District Court Case No: A-24-892524-J

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IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA IN AND FOR THE COUNTY OF CLARK

VENETIAN RESORT & CASINO; SIERRA NEVADA ADMINISTRATORS, INC.,

Petitioner(s),

vs.

DAWN EARLY; DEPARTMENT OF ADMINISTRATION; THE DEPARTMENT OF ADMINISTRATIONS HEARING DIVISION, APPEALS OFFICE, an Agency of the State of Nevada,

Respondent(s).

NOTICE OF APPEAL PACKET COVER SHEET

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Steven D. Grierson
CLERK OF THE COURT

NOAS

DANIEL L. SCHWARTZ, ESQ., Nevada Bar #5125
HOOKS MENG & CLEMENT
2300 W. Sahara Ave., Ste. 1100
Las Vegas, NV 89102
Telephone No. (702) 766-4672
Facsimile No. (702) 919-4672
dschwartz@hmc.law
Attorneys for Appellants,
VENETIAN RESORT & CASINO
and SIERRA NEVADA ADMINISTRATORS, INC.

DISTRICT COURT

CLARK COUNTY, NEVADA

VENETIAN RESORT & CASINO, and SIERRA NEVADA ADMINISTRATORS, INC., Petitioners, vs. DAWN EALY; and THE DEPARTMENT OF ADMINISTRATION, HEARINGS DIVISION, APPEALS OFFICE, an Agency of the State of Nevada, Respondents.	Case No.: A-24-892524-J Dept. No.: 20

NOTICE OF APPEAL

TO: DAWN EALY, Respondent.

TO: JOSHUA M. SANTERAMO, ESQ., of NEVADA ATTORNEY FOR INJURED WORKERS, Respondent's Attorneys.

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Case Number: A-24-892524-J

NOTICE IS HEREBY GIVEN that Petitioners, VENETIAN RESORT & CASINO and SIERRA NEVADA ADMINISTRATORS, INC., (hereinafter referred to as "Appellants"), by and through their attorneys, DANIEL L. SCHWARTZ, ESQ., of HOOKS MENG & CLEMENT, in the above-entitled action, hereby appeal to the Supreme Court of the State of Nevada from the attached Order entered into this action on or about May 29, 2026, which denied Petitioners' Petition for Judicial Review and the "Notice of Entry of Order" filed on or about June 1, 2026, a copy of which is attached hereto as Attachment "A".

Dated this 29th day of June, 2026.

Respectfully submitted,

HOOKS MENG & CLEMENT

By: */s/ Daniel L. Schwartz*
DANIEL L. SCHWARTZ, ESQ.
2300 W. Sahara Ave., Ste. 1100
Las Vegas, NV 89102
Attorneys for Appellants

HMC HOOKS MENG CLEMENT

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 29th day of June, 2026, the forgoing **NOTICE OF APPEAL** was served on the following by US Mail and Electronic Service to All parties on Odyssey, addressed as follows:

DAWN EALY
723 SCOTTSDALE ST.
HENDERSON, NV 89002

JOSHUA M. SANTERAMO, ESQ.
NEVADA ATTORNEY FOR INJURED WORKERS
2200 S. RANCHO DR., STE. 230
LAS VEGAS, NV 89102

VENETIAL RESORT & CASINO
ATTN.: SHAUN SIPES
3355 S. LAS VEGAS BLVD.
LAS VEGAS, NV 89109

CCMSI
ATTN.: CHRISTINA ROMINE
P.O. BOX 35350
LAS VEGAS, NV 89133

GREGORY A. KROHN, ESQ.
STATE OF NEVADA - DEPARTMENT OF ADMINISTRATION
2200 S. RANCHO DR., STE. 220
LAS VEGAS, NV 89102

DENISE S. MCKAY, ESQ., SR. APPEALS OFFICER
STATE OF NEVADA – DEPARTMENT OF ADMINISTRATION
APPEALS DIVSION, APPEALS OFFICE
2200 S. RANCHO DR., STE. 220
LAS VEGAS, NV 89102

JOY GRIMMER, DIRECTOR
STATE OF NEVADA - DEPARTMENT OF ADMINISTRATION
209 E. MUSSER ST., STE. 304
CARSON CITY, NV 89701

AARON D. FORD, NEVADA ATTORNEY GENERAL
OFFICE OF THE ATTORNEY GENERAL
100 N. CARSON ST.
CARSON CITY, NV 89701

/s/ Nancy Alarcon
Employee of HOOKS MENG & CLEMENT

HMC HOOKS MENG CLEMENT

HMC
HOOKS MENG CLEMENT

Attachment "A"

Electronically Filed
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Steven D. Grierson
CLERK OF THE COURT

NEOJ
Joshua M. Santeramo, Esq.
Nevada State Bar No. 12086
Nevada Attorney for Injured Workers
2200 S. Rancho Dr., Ste. 230
Las Vegas, NV 89102
Telephone: (702) 486-2830
Facsimile: (702) 486-2844
Email: jsanteramo@naiw.nv.gov
Attorney for Respondent DAWN EALY

DISTRICT COURT

CLARK COUNTY, NEVADA

VENETIAN RESORT & CASINO, and SIERRA NEVADA ADMINISTRATORS INC. Petitioners, v. DAWN EALY; and THE DEPARTMENT OF ADMINISTRATION, HEARINGS DIVISION, APPEALS OFFICE, an Agency of the State of Nevada, Respondents.	CASE NO: A-24-892524-J DEPT NO: 20

NOTICE OF ENTRY OF ORDER DENYING PETITION FOR JUDICIAL REVIEW

PLEASE TAKE NOTICE that an Order Denying Petition for Judicial Review was entered on May 29, 2026. A copy of said Order is attached hereto as Exhibit A.

Dated this 1 day of June, 2026.

Joshua M. Santeramo, Esq., Deputy
Nevada State Bar No. 12086
NEVADA ATTORNEY FOR INJURED WORKERS
2200 S. Rancho Drive, Suite 230
Las Vegas, Nevada 89102
Attorney for Respondent DAWN EALY

NEVADA ATTORNEY FOR INJURED WORKERS
1000 East William Street, Suite 208 (775) 684-7555
Carson City, NV 89701
2200 South Rancho Drive, Suite 230 (702) 486-2830
Las Vegas, NV 89102

Case Number: A-24-892524-J

NEVADA ATTORNEY FOR INJURED WORKERS
1000 East William Street, Suite 208
Carson City, NV 89701 (775) 684-7555
2200 South Rancho Drive, Suite 230
Las Vegas, NV 89102 (702) 486-2830

EXHIBIT A

ELECTRONICALLY SERVED
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05/29/2026 4:00 PM
CLERK OF THE COURT

ORDG
Joshua M. Santeramo, Esq., Deputy
Nevada State Bar No. 12086
NEVADA ATTORNEY FOR INJURED WORKERS
2200 South Rancho Drive, Suite 230
Las Vegas, Nevada 89102
Telephone: (702) 486-2830
Facsimile: (702) 486-2844
Email: jsanteramo@naiw.nv.gov
Attorney for Respondent DAWN EALY

DISTRICT COURT

CLARK COUNTY, NEVADA

VENETIAN RESORT & CASINO, and SIERRA NEVADA ADMINISTRATORS INC. Petitioners, v. DAWN EALY; and THE DEPARTMENT OF ADMINISTRATION, HEARINGS DIVISION, APPEALS OFFICE, an Agency of the State of Nevada, Respondents.	CASE NO: A-24-892524-J DEPT NO: 20

ORDER DENYING PETITION FOR JUDICIAL REVIEW

The Petitioners, VENETIAN RESORT & CASINO ("Venetian" or "Employer") and SIERRA NEVADA ADMINISTRATORS INC. ("Third-Party Administrator" or "TPA"), filed a Petition for Judicial Review of the Appeals Officer's Decision and Order, dated April 11, 2024, reversing the Hearing Officer's November 13, 2020, decision and order affirming the TPA's August 25, 2020, claim denial determination.

This matter arises from Respondent's, DAWN EALY ("Ms. Ealy"), alleged July 28, 2020, industrial injury while working as a housekeeper. The claim was denied by the TPA on August 25, 2020, under Claim No. 200380000197. The denial determination was timely appealed and proceeded to hearing before the Hearing Officer, who affirmed the TPA's claim denial on November 13, 2020. Ms. Ealy then timely appealed the Hearing Officer's decision and order, generating Appeal No. 2106777-GK on November 19, 2020.

NEVADA ATTORNEY FOR INJURED WORKERS
1000 East William Street, Suite 208 (775) 684-7555
Carson City, NV 89701
2200 South Rancho Drive, Suite 230 (702) 486-2830
Las Vegas, NV 89102

Case Number: A-24-892524-J

The matter proceeded to hearing before the Appeals Officer on February 22, 2024, and the claim denial determination was reversed and remanded to the TPA to accept the claim for the right knee and left ankle on April 11, 2024.

On May 2, 2024, Petitioners filed a Petition for Judicial Review of the Appeals Officer's Decision and Order. Petitioners filed an Opening Brief on July 1, 2024, raising the issue of whether the Appeals Officer's reversal of claim denial was based upon an error of law and/or upon a lack of substantial evidence. Specifically, Petitioners challenged whether Ms. Ealy provided timely written notice, and whether she had proven an injury by accident arising out of and in the scope of employment. Ms. Ealy filed an Answering Brief on March 5, 2026. Petitioners filed a Reply Brief on April 6, 2026. The matter was set for a hearing on April 29, 2026.

Petitioners' Petition for Judicial Review was duly reviewed and considered for decision and the Court, having reviewed the parties' briefs, the Record of Appeal, and arguments of counsel; and finding good cause therefore, the Court finds and decides:

I.

STANDARD OF REVIEW

The parameters of judicial review are established by statute. Judicial review of a final decision of an agency must be conducted by the court without a jury and is confined to the record. *See* NRS 233B.135(1). The final decision of the agency is presumed to be reasonable and lawful unless reversed or set aside in whole or in part by the reviewing court. *See* NRS 233B.135(2). The burden of proof rests with the party challenging the decision to demonstrate that the agency's final determination is invalid under one or more grounds set forth in subsection 3 or NRS 233B.135.

A final administrative decision is evaluated for clear error or an arbitrary and capricious abuse of discretion. Riverboat Hotel Casino v. Harold's Club, 113 Nev. 1025, 1029, 944 P.2d 819, 822 (1997); NRS 233B.135(3)(e)-(f). An agency's fact-based conclusions of law "are entitled to deference, and will not be disturbed if they are supported by substantial evidence." Jones v. Rosner, 102 Nev. 215, 217, 719 P.2d 805, 806 (1986). "Substantial evidence exists if a reasonable person could find the evidence adequate to support the agency's conclusion." L. Offs. of Barry Levinson, P.C. v. Milko, 124 Nev. 355, 362, 184 P.3d 378, 384 (2008). While fact-based conclusions of law

NEVADA ATTORNEY FOR INJURED WORKERS
1000 East William Street, Suite 208
Carson City, NV 89701 (775) 684-7555
2200 South Rancho Drive, Suite 230
Las Vegas, NV 89102 (702) 486-2830

are entitled to deference when supported by substantial evidence, purely legal questions are reviewed de novo. DeMaranville v. Empl'rs Ins. Co. of Nev., 135 Nev. 259, 263 (2019).

II.

FINDINGS OF FACT

Here, the Appeals Officer found that Ms. Ealy credibly testified that while cleaning a suite on July 28, 2020, her foot caught on the bed bench, and it caused her to twist her knee. ROA 4. The Appeals Officer also found that during Ms. Ealy's shift on July 28, 2020, she informed her supervisor of the accident and went home early. ROA 8. Further, the Appeals Officer found that Ms. Ealy, after seeing her doctor on July 31, 2020, informed Human Resources that she had a work-related injury, at which point she was referred to Concentra to complete a Form C-4. ROA 8. These findings were supported by Ms. Ealy's testimony and evidence from her phone call records to a number associated with the Human Resources Department. ROA 19.

Based upon this evidence, the Appeals Officer found that Petitioners had actual notice of the incident, thereby excusing Respondent's late written notice that extended beyond the 7-day statutory timeframe. ROA 8. The Appeals Officer also found that untimely notice was excused by mistake or ignorance of law or fact as Respondent initially believed her knee symptoms were attributable to arthritis before later learning from her physicians that the injury was work-related meniscus tear. ROA at 8.

Moreover, the Appeals Officer also found that Ms. Ealy sustained an injury by accident while in the course and scope of her job functions. The record reflects that Ms. Ealy's description of how she sustained her injury made clear that she was in the course and scope of her job duties as a housekeeper at the time of the accident. ROA 4. Further, the record shows that Ms. Ealy presented to Southwest Medical on July 31, 2020, where Dr. Madhavan characterized her knee pain as "an acute on chronic problem," which worsened after cleaning a room three days prior. ROA 140. A right knee MRI interpreted on August 6, 2020, confirmed that Ms. Ealy had a torn medial meniscus. ROA 148. Ms. Ealy was ultimately referred to Concentra, where a Form C-4

NEVADA ATTORNEY FOR INJURED WORKERS
1000 East William Street, Suite 208
Carson City, NV 89701 (775) 684-7555
2200 South Rancho Drive, Suite 230
Las Vegas, NV 89102 (702) 486-2830

was completed finding medical causation, and she submitted a written statement attached to the form explaining her injury. ROA 125-26.

Lastly, the Appeals Officer's finding that Ms. Ealy's ankle injury was a compensable consequence of the original claim is also supported by substantial evidence. This finding was based upon medical records indicating that Ms. Ealy's left ankle injury resulted from a fall caused by instability in her right knee from the original industrial injury. ROA 205. Specifically, Ms. Ealy's August 6, 2020, visit with Southwest Medical, reported that she had fallen as a result of her right knee instability. Id.

Any findings of fact more appropriately considered to be a conclusion of law, and vice versa, shall be so deemed.

III.

CONCLUSIONS OF LAW

After considering the pleadings and argument set forth by counsel, the Court hereby DENIES the Petition for Judicial Review.

1. Pursuant to NRS 233B.135(2), a "final decision of the agency shall be deemed reasonable and lawful until reversed or set aside in whole or in part by the court. The burden of proof is on the party attacking or resisting the decision to show that the final decision is invalid pursuant to subsection 3." A reviewing court may not substitute its judgment for that of an agency on questions of fact but may review questions of law *de novo*. *See* SIIS v. Engel, 114 Nev. 1372, 1374, 971 P.2d 793, 795 (1998).

2. The Court finds that the Appeals Officer's decision is a fact-based conclusion of law. As such, the Court will not disturb the Appeals Officer's decision if it is supported by substantial evidence. The Appeals Officer's decision that notice was timely provided and/or excused is supported by substantial evidence.

3. NRS 616C.015(1) requires an employee to provide written notice of a workplace injury within 7 days after the accident. However, the high Court has expressly held that "if an employer receives actual notice of an injury, this may excuse a failure to file a timely notice of injury." Barrick Goldstrike Mine v. Peterson, 116 Nev. 541, 546 n. 3, 2 P.3d 850, 853 n. 3

NEVADA ATTORNEY FOR INJURED WORKERS
1000 East William Street, Suite 208 (775) 684-7555
Carson City, NV 89701
2200 South Rancho Drive, Suite 230 (702) 486-2830
Las Vegas, NV 89102

(2000)(citing Brocas v. Mirage Hotel & Casino, 109 Nev. 579, 584-85, 854 P.2d 862, 866-67 (1993); Industrial Commission v. Adair, 67 Nev. 259, 271-72, 217 P.2d 348, 354 (1950)). NRS 616C.025 further provides that failure to file a notice of injury may also be excused by the employee's mistake or ignorance of fact or law.

4. The Court finds that the Appeals Officer's decision that the Employer had actual notice of the incident is supported by substantial evidence and is therefore afforded deference. Ms. Ealy presented credible testimony before the Appeals Officer that she informed her supervisor of the incident on the date that it occurred, and she also provided documentary evidence supporting her subsequent phone calls with Human Resources. ROA 19.

5. The Court is unpersuaded by Petitioners' argument that Ms. Ealy's prior workers' compensation claim demonstrates knowledge of the notice requirement, particularly in light of the record reflecting her initial misunderstanding of the nature of her injury. The Appeals Officer properly weighed such evidence and testimony in rendering his decision that the Employer had actual notice of this incident, and that alternatively, Ms. Ealy's untimely written notice was further excused by a mistake or ignorance of law or fact pursuant to NRS 616C.025, thereby satisfying the requirements set forth in NRS 616C.015(1). This Court may not reweigh evidence or reassess witness credibility on judicial review, and therefore affirms the Appeals Officer's decision because it is based on substantial evidence and neither arbitrary or capricious.

6. The Court likewise rejects Petitioners' argument that NRS 616C.025 vests exclusive authority in the insurer to excuse untimely notice. While the statute places initial discretion with the insurer to excuse untimely notice, this does not inherently divest the Appeals Officer of his authority in evaluating whether a claim was improperly denied on the basis of notice. *See* e.g., Valley Health Sys., LLC v. Soriano, 577 P.3d 194 at *4 (Nev. App. 2025)(unpublished disposition)(implying that an appeals officer has the authority to determine whether an employee s untimely notice was excused).

7. Further, the Appeals Officer's decision that Ms. Ealy had proven an accident by injury arising out of and in the scope of employment is supported by substantial evidence, thereby satisfying NRS 616C.150.

NEVADA ATTORNEY FOR INJURED WORKERS
1000 East William Street, Suite 208 (775) 684-7555
Carson City, NV 89701
2200 South Rancho Drive, Suite 230 (702) 486 2830
Las Vegas, NV 89102

8. NRS 616C.150 requires an injured employee to prove by a preponderance of the evidence that the employee's injury arose out of and in the course of employment. NRS 616B.612 further provides that "injuries by accident sustained by an employee arising out of and in the course of the employment" are compensable by the employer. NRS 616A.265 defines "injury" as " sudden and tangible happening of a traumatic nature, producing an immediate or prompt result," and NRS 616A.030 defines "accident" as "an unexpected or unforeseen event happening suddenly and violently, with or without human fault, and producing at the time objective symptoms of an injury."

9. The record reflects that Ms. Ealy presented to Southwest Medical on July 31, 2020, where Dr. Madhavan characterized her knee pain as "an acute on chronic problem," which worsened after cleaning a room three days prior. ROA 140. A right knee MRI interpreted on August 6, 2020, reflects that she had a torn medial meniscus. ROA 148. Lastly, the Form C-4 was completed finding medical causation. ROA 125-26.

10. The Appeals Officer relied on this evidence to find that Ms. Ealy had proven an accident by injury arising out of and in the scope of employment, and the Court holds that this finding is supported by the record and entitled to deference. To the extent that Petitioners attack the credibility of Ms. Ealy's testimony or the contents of the medical records, the Court finds these arguments, which were presumably raised before the Appeals Officer, improper on judicial review.

11. Moreover, the Appeals Officer's decision that Ms. Ealy's subsequent ankle injury was a compensable consequence of the original claim is also supported by substantial evidence.

12. Generally, injuries that are "a direct and natural result" of compensable injuries are, themselves, compensable. *See* Roberts v. State Indus. Ins. Sys., 114 Nev. 364, 369, 956 P.2d 790, 793 (1998).

13. Here, the Court finds that the Appeals Officer's decision is supported by substantial evidence as the record reflects that Ms. Ealy's left ankle injury was secondary to her right knee instability. This is primarily evidenced by Ms. Ealy's August 6, 2020, visit with Southwest Medical, where it was reported that she had a fall as a result of her right knee instability. ROA 205. As such, the Court holds that such a finding is supported by substantial evidence and the Appeals Officer's decision is not arbitrary or capricious.

NEVADA ATTORNEY FOR INJURED WORKERS
1000 East William Street, Suite 208
Carson City, NV 89701 (775) 684-7555
2200 South Rancho Drive, Suite 230
Las Vegas, NV 89102 (702) 486-2830

IV.

ORDER

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the Appeals Officer's April 11, 2024, Decision and Order is hereby AFFRIMED, and the Petition for Judicial Review is hereby DENIED and dismissed with prejudice.

DATED this ___ day of ___ 2026.

Dated this 29th day of May, 2026

Eric Johnson
DISTRICT COURT JUDGE

249 4A4 27C2 724D
Eric Johnson
District Court Judge

Respectfully submitted:

/s/ Joshua M. Santeramo
Joshua M. Santeramo, Esq., Deputy
Nevada State Bar No. 12086
NEVADA ATTORNEY FOR INJURED WORKERS
2200 S. Rancho Drive, Suite 230
Las Vegas, Nevada 89102
Attorneys for Respondent DAWN EALY

Approved as to form and content by:

/s/ Daniel L. Schwartz
Daniel L. Schwartz, Esq.
Nevada Bar No.: 005125
HOOKS MENG & CLEMENT
2300 W. Sahara Ave., Ste. 1100
Las Vegas, NV 89102
Phone: (702) 766-4672
Facsimile: (702) 919-4672
Attorney for Petitioners VENETIAN RESORT & CASINO, and SIERRA NEVADA ADMINISTRATORS INC

NEVADA ATTORNEY FOR INJURED WORKERS
1000 East William Street, Suite 208
Carson City, NV 89701 (775) 684-7555
2200 South Rancho Drive, Suite 230
Las Vegas, NV 89102 (702) 486-2830

Nelida Nevarez

From:	Daniel Schwartz <dschwartz@hmc.law>
Sent:	Thursday, May 7, 2026 9:38 AM
To:	Nelida Nevarez; Nancy Alarcon
Cc:	Joshua M. Santeramo
Subject:	RE: VENETIAN RESORT vs DAWN EALY, District Court:A-24-892524 J
TimeMattersID:	M2407B45E50C5526
TM Contact:	EALY, DAWN
TM Contact No:	20Y7735
TM Matter No:	24L43507
TM Matter Reference:	EALY, DAWN:A-24-892524-J A----------Acceptance

WARNING: This email originated from outside the State of Nevada. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Yes, you can use my electronic signature.

Daniel L. Schwartz, Esq
Certified as a Specialist of Worker's Compensation Law in the State of Nevada

HOOKS MENG & CLEMENT, PLLC.
Office: 775.473.6593 | Fax: 702.919.4672
2300 W. Sahara Ave., Ste 1100, Las Vegas, NV 89102

From: Nelida Nevarez <nnevarez@naiw.nv.gov>
Sent: Thursday, May 7, 2026 9:37 AM
To: Daniel Schwartz <dschwartz@hmc.law>; Nancy Alarcon <nalarcon@hmc.law>
Cc: Joshua M. Santeramo <jsanteramo@naiw.nv.gov>
Subject: VENETIAN RESORT vs DAWN EALY, District Court:A-24-892524-J

Good morning Mr. Schwartz,

Attached please find the proposed Order Denying Petition for Judicial Review. Please review and advise if you have any proposed changes before May 8th. If approved, please sign it and return it to our office.
OR
Please advise If we have your authorization to use your electronic signature in the Order.

Thank you and have a good day.

Neli Nevarez
Legal Secretary II
Nevada Attorney for Injured Workers
Tel (702) 486-2830
Fax (702) 486-2844
nnevarez@naiw.nv.gov

CSERV

DISTRICT COURT
CLARK COUNTY, NEVADA

Venetian Resort & Casino, Petitioner(s) vs. Dawn Ealy, Respondent(s)	CASE NO: A-24-892524-J DEPT. NO. Department 20

AUTOMATED CERTIFICATE OF SERVICE

This automated certificate of service was generated by the Eighth Judicial District Court. The foregoing Order was served via the court's electronic eFile system to all recipients registered for e-Service on the above entitled case as listed below:

Service Date: 5/29/2026

Nelida Nevarez	nnevarez@naiw.nv.gov
Joshua Santeramo	jsanteramo@naiw.nv.gov
Christina Marazzo	cmarazzo@hmc.law
Nancy Alarcon	nalarcon@hmc.law
Daniel Schwartz	dschwartz@hmc.law
Nancy Alarcon	nalarcon@hmc.law
Nancy Sherwood	nsherwood@naiw.nv.gov
Mary Russell	mrussell@naiw.nv.gov
Maria Atkinson	matkinson@naiw.nv.gov
Erick Ruiz	eruiz@hmc.law

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of the State of Nevada, Nevada Attorney for Injured Workers, and that service of the within and foregoing NOTICE OF ENTRY OF ORDER DENYING PETITION FOR JUDICIAL REVIEW was made this day electronically, through the Odyssey eFileNV and Serve option to:

dschwartz@hmc.law
Daniel L. Schwartz, Esq.

and that on this day I deposited a true and correct copy for mailing at Las Vegas, Nevada, to the following:

Daniel L. Schwartz, Esq.
Nevada Bar No.: 005125
HOOKS MENG & CLEMENT
2300 W. Sahara Ave., Ste. 1100
Las Vegas, NV 89102

DATED: 4-1-26

SIGNED: _____

NEVADA ATTORNEY FOR INJURED WORKERS
1000 East William Street, Suite 208
Carson City, NV 89701 (775) 684-7555
2200 South Rancho Drive, Suite 230
Las Vegas, NV 89102 (702) 486-2830

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Steven D. Grierson
CLERK OF THE COURT

ASTA

DANIEL L. SCHWARTZ, ESQ., Nevada Bar #5125
HOOKS MENG & CLEMENT
2300 W. Sahara Ave., Ste. 1100
Las Vegas, NV 89102
Telephone No. (702) 766-4672
Facsimile No. (702) 919-4672
dschwartz@hmc.law
Attorneys for Appellants,
VENETIAN RESORT & CASINO
and SIERRA NEVADA ADMINISTRATORS, INC.

HOOKS MENG & CLEMENT

DISTRICT COURT

CLARK COUNTY, NEVADA

VENETIAN RESORT & CASINO, and SIERRA NEVADA ADMINISTRATORS, INC., Petitioners, vs. DAWN EALY; and THE DEPARTMENT OF ADMINISTRATION, HEARINGS DIVISION, APPEALS OFFICE, an Agency of the State of Nevada, Respondents.	Case No.: A-24-892524-J Dept. No.: 20

CASE APPEAL STATEMENT

1. Name of appellants filing this case appeal statement:

VENETIAN RESORT & CASINO and SIERRA NEVADA ADMINISTRATORS, INC.

2. Identify the Judge issuing the decision, judgment, or order appealed from:

Eric Johnson, Eight Judicial District Court Judge

///

///

3. Identify each appellant and the name and address of counsel for each appellant:

VENETIAN RESORT & CASINO and SIERRA NEVADA ADMINISTRATORS, INC.
DANIEL L. SCHWARTZ, ESQ.
HOOKS MENG & CLEMENT
2300 W. Sahara Ave., Ste. 1100
Las Vegas, NV 89102
Attorneys for Appellants,
VENETIAN RESORT & CASINO and SIERRA NEVADA ADMINISTRATORS, INC.

4. Identify each respondent and the name and address of respondent counsel, if known, for each respondent (if the name of respondent's appellate counsel is unknown, indicate as much and provide the name and address of that respondent's trial counsel):

DAWN EALY
JOSHUA M. SANTERAMO, ESQ.
NEVADA ATTORNEY FOR INJURED WORKERS
2200 S. Rancho Dr., Ste. 230
Las Vegas, NV 89102
Attorneys for Respondent,
DAWN EALY

5. Indicate whether any attorney identified above in response to question 3 or 4 is not licensed to practice law in Nevada and, if so, whether the district court granted that attorney permission to appear under SCR 42 (attach a copy of any district court order granting such permission):

All attorneys identified above are licensed to practice in Nevada.

6. Indicate whether appellant was represented by appointed or retained counsel in the district court:

Appellants retained counsel in the District Court.

7. Indicate whether appellant is represented by appointed or retained counsel on appeal:

Appellants are represented by retained counsel on appeal.

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HOOKS MENG & CLEMENT

8. Indicate whether appellant was granted leave to proceed in forma pauperis, and the date of entry of the district court order granting such leave:

Appellants were not granted leave to proceed in forma pauperis.

9. Indicate the date the proceedings commenced in the district court (e.g., date complaint, indictment, information or petition was filed):

The Petition for Judicial Review of the Appeals Officer's Decision and Order dated April 11, 2024, was filed on May 2, 2024.

10. Provide a brief description of the nature of the action and result in the district court, including the type of judgment or order being appealed and the relief granted by the district court:

This is a workers' compensation case.

In 2014 the Respondent had an injury during the course and scope of her employment with the Petitioner. The claim was accepted for injuries to her bilateral knees and shoulder.

Limited records are available from this claim. The last medical report was a February 16, 2018, report from Dr. Mendez. Respondent was assessed with bilateral patellofemoral pain, right shoulder impingement syndrome, was found to have reached maximum medical improvement and was released to work without restrictions and without a ratable impairment.

On July 28, 2020, while the working for the Petitioner, the Respondent alleged a new injury to her right knee.

Respondent failed to report the injury. Respondent contends that she thought it was her arthritis acting up.

On July 31, 2020, the Respondent sought medical treatment on her own. She saw Dr. Steven Madhaven who noted an acute worsening of her right knee. A C-4 Form was not completed.

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HOOKS MENG & CLEMENT

Respondent contends that she believed the Petitioner was taking care of the forms needed to be completed. However, this was not Respondent's first industrial accident. She was aware of the forms required to establish a claim and still failed to do so.

Respondent then traveled to Utah to visit her parents and while in Utah, she sustained additional injuries. She injured her left ankle.

On August 15, 2020, the Respondent presented to Concentra Medical Centers and completed a C-4 Form. The physician who completed the C-4 Form diagnosed a right knee strain.

On August 18, 2020, Respondent again presented to Concentra Medical Centers and was diagnosed with right knee sprain and tear of medial meniscus right knee. Respondent also reported that she injured her left ankle and foot. It is unknown if Respondent informed the doctor that this was a personal incident as it occurred while she was away in Utah visiting her parents.

On August 25, 2020, the Petitioner denied the claim. Respondent appealed. The Hearing Officer affirmed the August 25, 2020, determination denying the claim. Respondent appealed.

On April 11, 2024, the Appeals Officer issued a Decision and Order reversing the August 25, 2020, claim denial determination. The Appeals Officer ordered the Petitioner to accept the July 28, 2020, claim. The Petitioner was ordered to accept compensability for Respondent's right knee as well as the left ankle.

On May 2, 2024, the Petitioners filed a Petition for Judicial Review.

The District Court denied Petitioners' Petition for Judicial Review. The Judge affirmed the Appeals Officer's Decision and Order of April 11, 2024, which reversed claim denial and ordered for the claim to be accepted for the right knee as well as the left ankle. The Order denying the Petition for Judicial Review was filed on May 29, 2026. The Notice of Entry of Order was filed on June 1, 2026. Appellants now wish to appeal.

///

11. Indicate whether the case has previously been the subject of an appeal or original writ proceeding in the Supreme Court and, if so, the caption and Supreme Court docket number of the prior proceeding:

No.

12. Indicate whether this appeal involves child custody or visitation:

No.

13. If this is a civil case, indicate whether this appeal involves the possibility of settlement.

Yes.

DATED this 29th day of June, 2026.

Respectfully submitted,

HOOKS MENG & CLEMENT

By: /s/ Daniel L. Schwartz

DANIEL L. SCHWARTZ, ESQ.
Nevada Bar No. 5125
2300 W. Sahara Ave., Ste. 1100
Las Vegas, NV 89102
Tel.: 702.766.4672
Fax: 702.919.4672
Attorneys for the Appellants

HOOKS MENG & CLEMENT

HOOKS MENG & CLEMENT

CERTIFICATE OF MAILING

Pursuant to Nevada Rules of Civil Procedure 5(b), I hereby certify that, on the 29th day of June, 2026, I served a true and correct copy of the above and foregoing document entitled **CASE APPEAL STATEMENT** by depositing the same in the United States Mail, with first-class postage fully prepaid thereon, and addressed as follows:

DAWN EALY
723 SCOTTSDALE ST.
HENDERSON, NV 89002

JOSHUA M. SANTERAMO, ESQ.
NEVADA ATTORNEY FOR INJURED WORKERS
2200 S. RANCHO DR., STE. 230
LAS VEGAS, NV 89102

VENETIAL RESORT & CASINO
ATTN.: SHAUN SIPES
3355 S. LAS VEGAS BLVD.
LAS VEGAS, NV 89109

CCMSI
ATTN.: CHRISTINA ROMINE
P.O. BOX 35350
LAS VEGAS, NV 89133

GREGORY A. KROHN, ESQ.
STATE OF NEVADA - DEPARTMENT OF ADMINISTRATION
2200 S. RANCHO DR., STE. 220
LAS VEGAS, NV 89102

DENISE S. MCKAY, ESQ., SR. APPEALS OFFICER
STATE OF NEVADA – DEPARTMENT OF ADMINISTRATION
APPEALS DIVSION, APPEALS OFFICE
2200 S. RANCHO DR., STE. 220
LAS VEGAS, NV 89102

JOY GRIMMER, DIRECTOR
STATE OF NEVADA - DEPARTMENT OF ADMINISTRATION
209 E. MUSSER ST., STE. 304
CARSON CITY, NV 89701

AARON D. FORD, NEVADA ATTORNEY GENERAL
OFFICE OF THE ATTORNEY GENERAL
100 N. CARSON ST.
CARSON CITY, NV 89701

/s/ Nancy Alarcon
An Employee of HOOKS MENG & CLEMENT

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY

CASE NO. A-24-892524-J

Venetian Resort & Casino, Petitioner(s)	§	Location:	**Department 20**
vs.	§	Judicial Officer:	**Johnson, Eric**
Dawn Ealy, Respondent(s)	§	Filed on:	**05/02/2024**
	§	Cross-Reference Case Number:	**A892524**

CASE INFORMATION

Statistical Closures
05/29/2026 Other Manner of Disposition

Case Type: **Worker's Compensation Appeal**

Case Status: **05/29/2026 Closed**

DATE — CASE ASSIGNMENT

Current Case Assignment

Case Number	A-24-892524-J
Court	Department 20
Date Assigned	05/02/2024
Judicial Officer	Johnson, Eric

PARTY INFORMATION

		Lead Attorneys
Petitioner	**Sierra Nevada Administrators Inc** Removed: 05/29/2026 Dismissed	
	Venetian Resort & Casino	**Schwartz, Daniel L** *Retained* 702-766-4672(W)
Respondent	**Department of Administration** Removed: 05/29/2026 Dismissed	
	Department of Administration Hearings Division Appeals Office Removed: 05/29/2026 Dismissed	
	Ealy, Dawn	**Kim, Ashley Mi-ye** *Retained* 702-277-6208(W)

DATE — EVENTS & ORDERS OF THE COURT — INDEX

EVENTS

05/02/2024 Initial Appearance Fee Disclosure
Filed By: Petitioner Venetian Resort & Casino; Petitioner Sierra Nevada Administrators Inc
[1] Initial Appearance Fee Disclosure

05/02/2024 Petition for Judicial Review
Filed by: Petitioner Venetian Resort & Casino; Petitioner Sierra Nevada Administrators Inc
[2] Petitioner's Petition for Judicial Review

05/02/2024 Motion
Filed By: Petitioner Venetian Resort & Casino; Petitioner Sierra Nevada Administrators Inc
[3] Petitioner's Motion for Stay Pending Appeal

05/07/2024	Notice of Intent to Participate Filed By: Respondent Ealy, Dawn *[4] Notice of Intent to Participate In and Response to Petition for Judicial Review*
05/07/2024	Order *[5] Petitioners' Request for Order Shortening Time on Motion for Stay*
05/08/2024	Clerk's Notice of Hearing *[6] Notice of Hearing*
05/09/2024	Opposition to Motion Filed By: Respondent Ealy, Dawn *[7] Opposition to Motion for Stay Pending Appeal*
05/14/2024	Notice of Entry of Order Filed By: Petitioner Venetian Resort & Casino; Petitioner Sierra Nevada Administrators Inc *[8] Notice of Entry of Order*
05/20/2024	Reply Filed by: Petitioner Venetian Resort & Casino; Petitioner Sierra Nevada Administrators Inc *[9] Petitioner's Reply In Support Motion For Stay Pending Appeal*
05/22/2024	Transmittal of Record on Appeal Party: Respondent Department of Administration Hearings Division Appeals Office *[10] Transmittal of Record on Appeal*
05/22/2024	Affidavit Filed By: Respondent Department of Administration Hearings Division Appeals Office *[11] Affidavit & Certification*
05/22/2024	Certification of Transmittal Party: Respondent Department of Administration Hearings Division Appeals Office *[12] Certification of Transmittal*
06/25/2024	Order *[13] Order Granting Motion for Stay Pending an Appeal*
07/01/2024	Brief Filed By: Petitioner Venetian Resort & Casino; Petitioner Sierra Nevada Administrators Inc *[14] Petitioners' Opening Brief*
07/01/2024	Notice of Entry of Order Filed By: Petitioner Venetian Resort & Casino; Petitioner Sierra Nevada Administrators Inc *[15] Notice of Entry of Order*
07/30/2024	Stipulation and Order *[16] Stipulation and Order to Extend Time to File Briefs*
07/31/2024	Notice of Entry of Order Filed By: Respondent Ealy, Dawn *[17] Notice of Entry of Order*

08/12/2025 Substitution of Attorney
Filed by: Respondent Ealy, Dawn
[18] Respondent Dawn Ealy's Substitution of Attorney

02/05/2026 Notice of Proof
Filed By: Petitioner Venetian Resort & Casino; Petitioner Sierra Nevada Administrators Inc
[19] Petitioners' Notice Of Proof Of Service Of Transcript Per NRS 233B.131

03/05/2026 Respondent's Answering Brief
Filed by: Respondent Ealy, Dawn
[20] Respondent's Answering Brief

04/06/2026 Petitioner's Reply Brief
Filed by: Petitioner Venetian Resort & Casino
[21] Petitioner's Reply Brief

05/29/2026 Order Denying
[22] Order Denying Petition for Judicial Review

06/01/2026 Notice of Entry of Order
Filed By: Respondent Ealy, Dawn
[23] Notice of Entry of Order Denying Petition for Judicial Review

06/29/2026 Notice of Appeal
Filed By: Petitioner Venetian Resort & Casino
[24] Notice Of Appeal

06/29/2026 Case Appeal Statement
Filed By: Petitioner Venetian Resort & Casino
[25] Case Appeal Statement

DISPOSITIONS

05/29/2026 **Order of Dismissal With Prejudice** (Judicial Officer: Johnson, Eric)
Debtors: Venetian Resort & Casino (Petitioner), Sierra Nevada Administrators Inc (Petitioner)
Creditors: Dawn Ealy (Respondent), Department of Administration (Respondent), Department of Administration Hearings Division Appeals Office (Respondent)
Judgment: 05/29/2026, Docketed: 06/02/2026

HEARINGS

06/05/2024 **Minute Order** (4:00 PM) (Judicial Officer: Johnson, Eric)
Minute Order - No Hearing Held;
Journal Entry Details:

Background: The Respondent in this case was employed by the Venetian Resort and Hotel, as cleaning personnel. On July 28, 2020 Respondent allegedly injured her knee when her foot was caught in a bed bench while she was cleaning a room at the Resort. The Respondent filed a C-4 notifying her employer of her injuries on August 14, 2020. The C-4 form notifying her employer of her injury did not specify the date that she told her employer of the incident. On August 5, 2020 the Insurer notified Respondent that her claim was being denied. On November 13, 2020 the Administrative Hearing officer affirmed the Insurer's claim denial. On April 11, 2024 the Appeals Officer reversed the Decision and ruled that the Respondent had proven a compensable workers compensation claim. The Petitioner filed their Petition for Judicial Review on May 2, 2024. The Respondent filed a Response to the Petition for Judicial Review on May 7, 2024. On May 2, 2024 the Petitioner also filed a Motion for Stay Pending Appeal. The Respondent filed an Opposition on May 9, 2024 and the Petitioner filed a Reply on May 20, 2024. The Motion was set for a hearing on June 12, 2024. The Petitioner argues that they will be irreparably harmed if the Motion for Stay is not granted. I. Legal Standard Pursuant to Kress v. Corey, a Stay should be granted when: [I]t appears that without it the objects of the

appeal or writ of error may be defeated, or that it is reasonably necessary to protect appellant or plaintiff in error from irreparable or serious injury in the case of reversal, and it does not appear that appellee or defendant in error will sustain irreparable or disproportionate injury, in case of affirmance. Kress v. Corey, 65 Nev. 1, 17, 189 P.2d 352, 360 (1948). However, "a stay will not be granted unless it appears to be necessary to prevent irreparable injury or a miscarriage of justice." Id. II. Petitioner's Petition for Judicial Review would be Defeated in the absence of the Stay. As an initial matter, an insurer cannot recoup the funds that are later found to be unwarranted on appeal. NRS 616C.138 was recently modified to allow insurers to recoup funds paid during the pendency of an appeal, but this is only permitted when the worker had health or casualty insurance, and such insurance entities were entitled to the recoupment as well. Nev. Rev. Stat. 616C.138. Here, there is no evidence that the Respondent has health or casualty insurance. Further, the Nevada Supreme Court has held that it is proper for an insurer to move for a Stay Pending Appeal when the insurer is aggrieved by an administrative decision, and when the Insurer can demonstrate irreparable injury during the pendency of appeal if the Stay is not granted. Dep't of Indus. Relations v. Circus Circus Enterprises, Inc., 101 Nev. 405, 705 P.2d 645 (1985); White Pine Power Dist. No. 9 v. Pub. Serv. Comm'n, 76 Nev. 263, 352 P.2d 256 (1960). III. Irreparable Injury Irreparable Injury to Petitioner: First, Petitioner argues that they will be irreparably injured if the Stay is not granted, because they will not be able to recoup from the Respondent if the Petitioner's Petition for Judicial Review is granted. On the other hand, if the Motion for Stay is granted and the Petition for Judicial Review is denied, the Petitioner will issue all benefits that Respondent is entitled to. Monetary losses are irreparable in this case. Here, if the Stay is not granted, the Petitioner would be required to pay Respondent funds, and could not recoup them in the event that the funds were found to be disbursed in error. Petitioners have a good faith belief that the Respondent is not entitled to the funds and Petitioners would be irreparably harmed if the Stay is not granted. The Respondent will not be harmed if the Stay is granted. The Respondent has no known pending medical procedures that could be prevented. Respondent is merely requesting a PPD doctor's appointment and she has not demonstrated how she would be irreparably harmed if she cannot have that doctor's appointment. Further, the Respondent will receive all benefits due to her, plus interest, if she is successful on appeal. The Court finds that the Petitioner's Petition will be moot if the Court does not grant the Stay, and in that way, the Petitioner will be irreparably harmed if the Court does not grant the Stay. Further, the Respondent will not be irreparably harmed if the Court grants the Stay. The Court does not make any ruling on the Petition for Judicial Review at this time. However, the Court grants the Petitioner's Motion for Stay Pending Appeal. The Court hereby VACATES the June 12, 2024 hearing. Counsel for Petitioner is directed to prepare a proposed order and to circulate it to opposing counsel for approval as to form and content before submitting it to chambers for signature. Counsel is directed to email a word and pdf copy of the proposed order to dc20inbox@clarkcountycourts.us. CLERK'S NOTE: This Minute Order was electronically served to all registered parties for Odyssey File & Serve. 6.5.24khm;

06/12/2024 *CANCELED* **Motion For Stay** (8:30 AM) (Judicial Officer: Johnson, Eric)
Vacated - per Law Clerk
Petitioner's Motion for Stay Pending Appeal

03/18/2026 **Status Check** (8:30 AM) (Judicial Officer: Johnson, Eric)
Status Check / Set Briefing Schedule

MINUTES

Matter Heard;
Journal Entry Details:
Court noted this was on for a status check and briefing schedule due to a delay as parties were trying to locate the transcript, however, it appears an answering brief was filed. Mr. Saneramo confirmed the transcript was located and an answering brief was filed. Following colloquy regarding scheduling, COURT ORDERED, reply due 04/06/2026 and hearing SET. Colloquy on where the transcript was located. 04/29/2026 11:00 AM HEARING: PETITION FOR JUDICIAL REVIEW.;

SCHEDULED HEARINGS

CANCELED **Petition for Judicial Review** (04/29/2026 at 11:00 AM) (Judicial Officer: Johnson, Eric)
Vacated - per Law Clerk

04/28/2026 **Minute Order** (2:20 PM) (Judicial Officer: Johnson, Eric)
Minute Order - No Hearing Held;

Journal Entry Details:

*On May 2, 2024, Petitioners Venetian Resort & Casino and Sierra Nevada Administrators filed a Petition for Judicial Review of the Appeals Officer's Decision and Order dated April 11, 2024. Petitioners filed an Opening Brief on July 1, 2024. Respondent filed an Answering Brief on March 5, 2026. Petitioners filed a Reply Brief on April 6, 2026. The matter was set for a hearing on April 29, 2026. After considering the pleadings and argument set forth by counsel, the Court hereby DENIES the Petition for Judicial Review. A final administrative decision is evaluated for clear error or an arbitrary and capricious abuse of discretion. Riverboat Hotel Casino v. Harold's Club, 113 Nev. 1025, 1029, 944 P.2d 819, 822 (1997); NRS 233B.135(3)(e)-(f). An agency's fact-based conclusions of law "are entitled to deference, and will not be disturbed if they are supported by substantial evidence." Jones v. Rosner, 102 Nev. 215, 217, 719 P.2d 805, 806 (1986). "Substantial evidence exists if a reasonable person could find the evidence adequate to support the agency's conclusion." L. Offs. of Barry Levinson, P.C. v. Milko, 124 Nev. 355, 362, 184 P.3d 378, 384 (2008). While fact-based conclusions of law are entitled to deference when supported by substantial evidence, purely legal questions are reviewed de novo. DeMaranville v. Empl'rs Ins. Co. of Nev., 135 Nev. 259, 263 (2019). The Court finds that the Appeals Officer's decision is a fact-based conclusion of law. As such, the Court will not disturb the Appeals Officer's decision if it is supported by substantial evidence. The Appeals Officer's decision that notice was timely provided and/or excused is supported by substantial evidence. NRS 616C.015(1) requires an employee to provide written notice of a workplace injury within 7 days after the accident. However, the high Court has expressly held that "if an employer receives actual notice of an injury, this may excuse a failure to file a timely notice of injury." Barrick Goldstrike Mine v. Peterson, 116 Nev. 541, 546 n. 3, 2 P.3d 850, 853 n. 3 (2000)(citing Brocas v. Mirage Hotel & Casino, 109 Nev. 579, 584-85, 854 P.2d 862, 866-67 (1993); Industrial Commission v. Adair, 67 Nev. 259, 271-72, 217 P.2d 348, 354 (1950)). NRS 616C.025 further provides that failure to file a notice of injury may also be excused by the employee's mistake or ignorance of fact or law. Here, the Appeals Officer found that during Respondent's shift on July 28, 2020, she informed her supervisor of the accident and went home early. ROA 8. The Appeals Officer also found that Respondent, after seeing her doctor on July 31, 2020, informed Human Resources that she had a work-related injury, at which point she was referred to Concentra to complete a Form C-4. ROA 8. These findings were based on Respondent's testimony, alongside evidence of Respondent's phone call records to a number associated with the Human Resources department. ROA 19. Based on this evidence, the Appeals Officer found that Petitioners had actual notice of the incident, thereby excusing Respondent's late written notice that extended beyond the 7-day statutory timeframe. ROA 8. The Appeals Officer also found that untimely notice was excused by mistake or ignorance of law or fact as Respondent initially believed her symptoms were attributable to arthritis before later learning from her physicians that the injury was work-related. ROA at 8. The Court finds that the Appeals Officer's decision that Petitioners had actual notice of the incident is supported by substantial evidence and is therefore afforded deference. Respondent presented credible testimony before the Appeals Officer that she informed her supervisor of the incident on the date that it occurred, and she also provided documentary evidence supporting her subsequent phone calls with Human Resources. The Court is unpersuaded by Petitioners' argument that Respondent's prior worker s compensation claim demonstrates knowledge of the notice requirement, particularly in light of the record reflecting Respondent's initial misunderstanding of the nature of her injury. The Appeals Officer properly weighed such evidence and testimony in rendering his decision that Petitioners had actual notice of this incident, or Respondent's untimely notice was excused by mistake or ignorance of law or fact, thereby satisfying the requirements set forth in NRS 616C.015(1). This Court may not reweigh evidence or reassess witness credibility on judicial review and therefore affirms the Appeals Officer's decision as based on substantial evidence and not arbitrary or capricious. The Court likewise rejects Petitioners' argument that NRS 616C.025 vests exclusive authority in the insurer to excuse untimely notice. While the statute places initial discretion with the insurer to excuse untimely notice, this does not inherently divest the Appeals Officer of his authority in evaluating whether a claim was improperly denied on the basis of notice. See e.g., Valley Health Sys., LLC v. Soriano, 577 P.3d 194 at *4 (Nev. App. 2025)(unpublished disposition) (implying that an appeals officer has the authority to determine whether an employee s untimely notice was excused). The Appeals Officer's decision that Respondent had proven an accident by injury arising out of and in the scope of employment is supported by substantial evidence. NRS 616C.150 requires an injured employee to prove by a preponderance of the evidence that the employee's injury arose out of and in the course of employment. NRS 616B.612 further provides that "injuries by accident sustained by an employee arising out of and in the course of the employment" are compensable by the employer. NRS 616A.265 defines "injury" as " sudden and tangible happening of a traumatic nature, producing an immediate or prompt result," and NRS 616A.030 defines "accident" as "an unexpected or unforeseen event happening suddenly and violently, with or without human fault, and producing at the time objective symptoms of an injury." The Court finds that the Appeals Officer's decision that*

	Respondent had proven an accident by injury while performing her job functions, thereby satisfying NRS 616C.150, is supported by substantial evidence. The record reflects that Respondent presented to Southwest Medical on July 31, 2020, where Dr. Madhavan characterized her knee pain as "an acute on chronic problem," which worsened after cleaning a room 3 days prior. ROA 140. A right knee MRI interpreted on August 6, 2020 reflects that Respondent had a torn medial meniscus. ROA 148. Respondent was ultimately referred to Concentra, where a Form C-4 was completed, and Respondent submitted a written statement attached to the form explaining her injury. ROA 125-26. The Appeals Officer relied on this evidence to find that Respondent had proven an accident by injury arising out of and in the scope of employment, and the Court holds that this finding is supported by the record and entitled to deference. To the extent that Petitioners attack the credibility of Respondent's testimony or the contents of the medical records, the Court finds these arguments, which were presumably raised before the Appeals Officer, improper on judicial review. The Appeals Officer's decision that Respondent's ankle injury was a compensable consequence of the original claim is supported by substantial evidence. Generally, injuries that are "a direct and natural result" of compensable injuries are, themselves, compensable. See Roberts v. State Indus. Ins. Sys., 114 Nev. 364, 369, 956 P.2d 790, 793 (1998). Here, the Appeals Officer held that Respondent's left ankle injury was a compensable consequence based on medical records indicating that Respondent's left ankle injury resulted from a fall caused by instability in her right knee. ROA 205. The Court finds that the Appeals Officer's decision is supported by substantial evidence as the record reflects that Respondent's left ankle injury was secondary to her right knee instability. This is primarily evidenced by, for example, Respondent's August 6, 2020 visit with Southwest Medical, where it was reported that Respondent had a fall as a result of her right knee instability. ROA 205. As such, the Court holds that such a finding is supported by substantial evidence and the Appeals Officer's decision is not arbitrary or capricious. For the above reasons, the Court DENIES the Petition for Judicial Review. The April 29, 2026 hearing is hereby VACATED. Counsel for Respondent is directed to prepare a proposed order including detailed findings of fact and conclusions of law, which is to be approved by opposing counsel as to form and content prior to submitting the order to chambers. Counsel is directed to email a word and pdf copy of the proposed order to dc20inbox@clarkcountycourts.us. CLERK'S NOTE: This Minute Order was electronically served to all registered parties for Odyssey File & Serve. 4.28.2026khm;	
04/29/2026	*CANCELED* **Petition for Judicial Review** (11:00 AM) (Judicial Officer: Johnson, Eric) *Vacated - per Law Clerk*	
06/05/2026	*CANCELED* **Status Check** (3:00 AM) (Judicial Officer: Johnson, Eric) *Vacated - Case Closed*	

DATE	FINANCIAL INFORMATION	
	Petitioner Venetian Resort & Casino	
	Total Charges	324.00
	Total Payments and Credits	324.00
	Balance Due as of 6/30/2026	**0.00**

DISTRICT COURT CIVIL COVER SHEET

Clark County, Nevada

CASE NO: A-24-892524-J

Case No. _____
(Assigned by Clerk's Office)

Department 20

I. Party Information *(provide both home and mailing addresses if different)*

Plaintiff(s) (name/address/phone):	Defendant(s) (name/address/phone):
VENETIAN RESORT & CASINO, ATTN.: SHAUN PIPES	DAWN EALY
3355 S. LAS VEGAS BLVD., LAS VEGAS, NV 89109	723 SCOTTSDALE ST.
SIERRA NEVADA ADMINISTRATORS, INC., ATTN.: MARISOL RIVERO	HENDERSON, NV 89002
P.O. BOX 15750, LAS VEGAS, NV 89114	
Attorney (name/address/phone):	**Attorney (name/address/phone):**
DANIEL L. SCHWARTZ, ESQ.	TARA-LYNN ADAMS, ESQ.
HOOKS MENG & CLEMENT	NEVADA ATTORNEY FOR INJURED WORKERS
2300 WEST SAHARA AVENUE, SUITE 1100	2200 S. RANCHO DR., STE. 230
LAS VEGAS, NV 89102-4375	LAS VEGAS, NV 89102

II. Nature of Controversy *(please select the one most applicable filing type below)*

Civil Case Filing Types

Real Property	Torts	
Landlord/Tenant	**Negligence**	**Other Torts**
☐ Unlawful Detainer	☐ Auto	☐ Product Liability
☐ Other Landlord/Tenant	☐ Premises Liability	☐ Intentional Misconduct
Title to Property	☐ Other Negligence	☐ Employment Tort
☐ Judicial Foreclosure	**Malpractice**	☐ Insurance Tort
☐ Other Title to Property	☐ Medical/Dental	☐ Other Tort
Other Real Property	☐ Legal	
☐ Condemnation/Eminent Domain	☐ Accounting	
☐ Other Real Property	☐ Other Malpractice	

Probate	Construction Defect & Contract	Judicial Review/Appeal
Probate *(select case type and estate value)*	**Construction Defect**	**Judicial Review**
☐ Summary Administration	☐ Chapter 40	☐ Foreclosure Mediation Case
☐ General Administration	☐ Other Construction Defect	☐ Petition to Seal Records
☐ Special Administration	**Contract Case**	☐ Mental Competency
☐ Set Aside	☐ Uniform Commercial Code	**Nevada State Agency Appeal**
☐ Trust/Conservatorship	☐ Building and Construction	☐ Department of Motor Vehicle
☐ Other Probate	☐ Insurance Carrier	■ Worker's Compensation
Estate Value	☐ Commercial Instrument	☐ Other Nevada State Agency
☐ Over $200,000	☐ Collection of Accounts	**Appeal Other**
☐ Between $100,000 and $200,000	☐ Employment Contract	☐ Appeal from Lower Court
☐ Under $100,000 or Unknown	☐ Other Contract	☐ Other Judicial Review/Appeal
☐ Under $2,500		

Civil Writ		Other Civil Filing
Civil Writ		**Other Civil Filing**
☐ Writ of Habeas Corpus	☐ Writ of Prohibition	☐ Compromise of Minor's Claim
☐ Writ of Mandamus	☐ Other Civil Writ	☐ Foreign Judgment
☐ Writ of Quo Warrant		☐ Other Civil Matters

Business Court filings should be filed using the Business Court civil coversheet.

5/2/24
Date

X _____
Signature of initiating party or representative

See other side for family-related case filings.

Electronically Filed
05/29/2026 4:00 PM
CLERK OF THE COURT

ORDG
Joshua M. Santeramo, Esq., Deputy
Nevada State Bar No. 12086
NEVADA ATTORNEY FOR INJURED WORKERS
2200 South Rancho Drive, Suite 230
Las Vegas, Nevada 89102
Telephone: (702) 486-2830
Facsimile: (702) 486-2844
Email: jsanteramo@naiw.nv.gov
Attorney for Respondent DAWN EALY

DISTRICT COURT

CLARK COUNTY, NEVADA

VENETIAN RESORT & CASINO, and SIERRA NEVADA ADMINISTRATORS INC. Petitioners, v. DAWN EALY; and THE DEPARTMENT OF ADMINISTRATION, HEARINGS DIVISION, APPEALS OFFICE, an Agency of the State of Nevada, Respondents.	CASE NO: A-24-892524-J DEPT NO: 20

ORDER DENYING PETITION FOR JUDICIAL REVIEW

The Petitioners, VENETIAN RESORT & CASINO ("Venetian" or "Employer") and SIERRA NEVADA ADMINISTRATORS INC. ("Third-Party Administrator" or "TPA"), filed a Petition for Judicial Review of the Appeals Officer's Decision and Order, dated April 11, 2024, reversing the Hearing Officer's November 13, 2020, decision and order affirming the TPA's August 25, 2020, claim denial determination.

This matter arises from Respondent's, DAWN EALY ("Ms. Ealy"), alleged July 28, 2020, industrial injury while working as a housekeeper. The claim was denied by the TPA on August 25, 2020, under Claim No. 200380000197. The denial determination was timely appealed and proceeded to hearing before the Hearing Officer, who affirmed the TPA's claim denial on November 13, 2020. Ms. Ealy then timely appealed the Hearing Officer's decision and order, generating Appeal No. 2106777-GK on November 19, 2020.

NEVADA ATTORNEY FOR INJURED WORKERS
1000 East William Street, Suite 208
Carson City, NV 89701 (775) 684-7555
2200 South Rancho Drive, Suite 230
Las Vegas, NV 89102 (702) 486-2830

Statistically closed: USJR - CV - Other Manner of Disposition (USJROT)

The matter proceeded to hearing before the Appeals Officer on February 22, 2024, and the claim denial determination was reversed and remanded to the TPA to accept the claim for the right knee and left ankle on April 11, 2024.

On May 2, 2024, Petitioners filed a Petition for Judicial Review of the Appeals Officer's Decision and Order. Petitioners filed an Opening Brief on July 1, 2024, raising the issue of whether the Appeals Officer's reversal of claim denial was based upon an error of law and/or upon a lack of substantial evidence. Specifically, Petitioners challenged whether Ms. Ealy provided timely written notice, and whether she had proven an injury by accident arising out of and in the scope of employment. Ms. Ealy filed an Answering Brief on March 5, 2026. Petitioners filed a Reply Brief on April 6, 2026. The matter was set for a hearing on April 29, 2026.

Petitioners' Petition for Judicial Review was duly reviewed and considered for decision and the Court, having reviewed the parties' briefs, the Record of Appeal, and arguments of counsel; and finding good cause therefore, the Court finds and decides:

I.

STANDARD OF REVIEW

The parameters of judicial review are established by statute. Judicial review of a final decision of an agency must be conducted by the court without a jury and is confined to the record. *See* NRS 233B.135(1). The final decision of the agency is presumed to be reasonable and lawful unless reversed or set aside in whole or in part by the reviewing court. *See* NRS 233B.135(2). The burden of proof rests with the party challenging the decision to demonstrate that the agency's final determination is invalid under one or more grounds set forth in subsection 3 or NRS 233B.135.

A final administrative decision is evaluated for clear error or an arbitrary and capricious abuse of discretion. Riverboat Hotel Casino v. Harold's Club, 113 Nev. 1025, 1029, 944 P.2d 819, 822 (1997); NRS 233B.135(3)(e)-(f). An agency's fact-based conclusions of law "are entitled to deference, and will not be disturbed if they are supported by substantial evidence." Jones v. Rosner, 102 Nev. 215, 217, 719 P.2d 805, 806 (1986). "Substantial evidence exists if a reasonable person could find the evidence adequate to support the agency's conclusion." L. Offs. of Barry Levinson, P.C. v. Milko, 124 Nev. 355, 362, 184 P.3d 378, 384 (2008). While fact-based conclusions of law

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2200 South Rancho Drive, Suite 230
Las Vegas, NV 89102 (702) 486-2830

are entitled to deference when supported by substantial evidence, purely legal questions are reviewed de novo. DeMaranville v. Empl'rs Ins. Co. of Nev., 135 Nev. 259, 263 (2019).

II.

FINDINGS OF FACT

Here, the Appeals Officer found that Ms. Ealy credibly testified that while cleaning a suite on July 28, 2020, her foot caught on the bed bench, and it caused her to twist her knee. ROA 4. The Appeals Officer also found that during Ms. Ealy's shift on July 28, 2020, she informed her supervisor of the accident and went home early. ROA 8. Further, the Appeals Officer found that Ms. Ealy, after seeing her doctor on July 31, 2020, informed Human Resources that she had a work-related injury, at which point she was referred to Concentra to complete a Form C-4. ROA 8. These findings were supported by Ms. Ealy's testimony and evidence from her phone call records to a number associated with the Human Resources Department. ROA 19.

Based upon this evidence, the Appeals Officer found that Petitioners had actual notice of the incident, thereby excusing Respondent's late written notice that extended beyond the 7-day statutory timeframe. ROA 8. The Appeals Officer also found that untimely notice was excused by mistake or ignorance of law or fact as Respondent initially believed her knee symptoms were attributable to arthritis before later learning from her physicians that the injury was work-related meniscus tear. ROA at 8.

Moreover, the Appeals Officer also found that Ms. Ealy sustained an injury by accident while in the course and scope of her job functions. The record reflects that Ms. Ealy's description of how she sustained her injury made clear that she was in the course and scope of her job duties as a housekeeper at the time of the accident. ROA 4. Further, the record shows that Ms. Ealy presented to Southwest Medical on July 31, 2020, where Dr. Madhavan characterized her knee pain as "an acute on chronic problem," which worsened after cleaning a room three days prior. ROA 140. A right knee MRI interpreted on August 6, 2020, confirmed that Ms. Ealy had a torn medial meniscus. ROA 148. Ms. Ealy was ultimately referred to Concentra, where a Form C-4

NEVADA ATTORNEY FOR INJURED WORKERS
1000 East William Street, Suite 208
Carson City, NV 89701 (775) 684-7555
2200 South Rancho Drive, Suite 230
Las Vegas, NV 89102 (702) 486-2830

was completed finding medical causation, and she submitted a written statement attached to the form explaining her injury. ROA 125-26.

Lastly, the Appeals Officer's finding that Ms. Ealy's ankle injury was a compensable consequence of the original claim is also supported by substantial evidence. This finding was based upon medical records indicating that Ms. Ealy's left ankle injury resulted from a fall caused by instability in her right knee from the original industrial injury. ROA 205. Specifically, Ms. Ealy's August 6, 2020, visit with Southwest Medical, reported that she had fallen as a result of her right knee instability. Id.

Any findings of fact more appropriately considered to be a conclusion of law, and vice versa, shall be so deemed.

III.

CONCLUSIONS OF LAW

After considering the pleadings and argument set forth by counsel, the Court hereby DENIES the Petition for Judicial Review.

1. Pursuant to NRS 233B.135(2), a "final decision of the agency shall be deemed reasonable and lawful until reversed or set aside in whole or in part by the court. The burden of proof is on the party attacking or resisting the decision to show that the final decision is invalid pursuant to subsection 3." A reviewing court may not substitute its judgment for that of an agency on questions of fact but may review questions of law *de novo*. *See* SIIS v. Engel, 114 Nev. 1372, 1374, 971 P.2d 793, 795 (1998).

2. The Court finds that the Appeals Officer's decision is a fact-based conclusion of law. As such, the Court will not disturb the Appeals Officer's decision if it is supported by substantial evidence. The Appeals Officer's decision that notice was timely provided and/or excused is supported by substantial evidence.

3. NRS 616C.015(1) requires an employee to provide written notice of a workplace injury within 7 days after the accident. However, the high Court has expressly held that "if an employer receives actual notice of an injury, this may excuse a failure to file a timely notice of injury." Barrick Goldstrike Mine v. Peterson, 116 Nev. 541, 546 n. 3, 2 P.3d 850, 853 n. 3

NEVADA ATTORNEY FOR INJURED WORKERS
1000 East William Street, Suite 208
Carson City, NV 89701 (775) 684-7555
2200 South Rancho Drive, Suite 230
Las Vegas, NV 89102 (702) 486-2830

(2000)(citing Brocas v. Mirage Hotel & Casino, 109 Nev. 579, 584-85, 854 P.2d 862, 866-67 (1993); Industrial Commission v. Adair, 67 Nev. 259, 271-72, 217 P.2d 348, 354 (1950)). NRS 616C.025 further provides that failure to file a notice of injury may also be excused by the employee's mistake or ignorance of fact or law.

4. The Court finds that the Appeals Officer's decision that the Employer had actual notice of the incident is supported by substantial evidence and is therefore afforded deference. Ms. Ealy presented credible testimony before the Appeals Officer that she informed her supervisor of the incident on the date that it occurred, and she also provided documentary evidence supporting her subsequent phone calls with Human Resources. ROA 19.

5. The Court is unpersuaded by Petitioners' argument that Ms. Ealy's prior workers' compensation claim demonstrates knowledge of the notice requirement, particularly in light of the record reflecting her initial misunderstanding of the nature of her injury. The Appeals Officer properly weighed such evidence and testimony in rendering his decision that the Employer had actual notice of this incident, and that alternatively, Ms. Ealy's untimely written notice was further excused by a mistake or ignorance of law or fact pursuant to NRS 616C.025, thereby satisfying the requirements set forth in NRS 616C.015(1). This Court may not reweigh evidence or reassess witness credibility on judicial review, and therefore affirms the Appeals Officer's decision because it is based on substantial evidence and neither arbitrary or capricious.

6. The Court likewise rejects Petitioners' argument that NRS 616C.025 vests exclusive authority in the insurer to excuse untimely notice. While the statute places initial discretion with the insurer to excuse untimely notice, this does not inherently divest the Appeals Officer of his authority in evaluating whether a claim was improperly denied on the basis of notice. *See* e.g., Valley Health Sys., LLC v. Soriano, 577 P.3d 194 at *4 (Nev. App. 2025)(unpublished disposition)(implying that an appeals officer has the authority to determine whether an employee s untimely notice was excused).

7. Further, the Appeals Officer's decision that Ms. Ealy had proven an accident by injury arising out of and in the scope of employment is supported by substantial evidence, thereby satisfying NRS 616C.150.

NEVADA ATTORNEY FOR INJURED WORKERS
1000 East William Street, Suite 208
Carson City, NV 89701 (775) 684-7555
2200 South Rancho Drive, Suite 230
Las Vegas, NV 89102 (702) 486-2830

8. NRS 616C.150 requires an injured employee to prove by a preponderance of the evidence that the employee's injury arose out of and in the course of employment. NRS 616B.612 further provides that "injuries by accident sustained by an employee arising out of and in the course of the employment" are compensable by the employer. NRS 616A.265 defines "injury" as " sudden and tangible happening of a traumatic nature, producing an immediate or prompt result," and NRS 616A.030 defines "accident" as "an unexpected or unforeseen event happening suddenly and violently, with or without human fault, and producing at the time objective symptoms of an injury."

9. The record reflects that Ms. Ealy presented to Southwest Medical on July 31, 2020, where Dr. Madhavan characterized her knee pain as "an acute on chronic problem," which worsened after cleaning a room three days prior. ROA 140. A right knee MRI interpreted on August 6, 2020, reflects that she had a torn medial meniscus. ROA 148. Lastly, the Form C-4 was completed finding medical causation. ROA 125-26.

10. The Appeals Officer relied on this evidence to find that Ms. Ealy had proven an accident by injury arising out of and in the scope of employment, and the Court holds that this finding is supported by the record and entitled to deference. To the extent that Petitioners attack the credibility of Ms. Ealy's testimony or the contents of the medical records, the Court finds these arguments, which were presumably raised before the Appeals Officer, improper on judicial review.

11. Moreover, the Appeals Officer's decision that Ms. Ealy's subsequent ankle injury was a compensable consequence of the original claim is also supported by substantial evidence.

12. Generally, injuries that are "a direct and natural result" of compensable injuries are, themselves, compensable. *See* Roberts v. State Indus. Ins. Sys., 114 Nev. 364, 369, 956 P.2d 790, 793 (1998).

13. Here, the Court finds that the Appeals Officer's decision is supported by substantial evidence as the record reflects that Ms. Ealy's left ankle injury was secondary to her right knee instability. This is primarily evidenced by Ms. Ealy's August 6, 2020, visit with Southwest Medical, where it was reported that she had a fall as a result of her right knee instability. ROA 205. As such, the Court holds that such a finding is supported by substantial evidence and the Appeals Officer's decision is not arbitrary or capricious.

NEVADA ATTORNEY FOR INJURED WORKERS
1000 East William Street, Suite 208
Carson City, NV 89701 (775) 684-7555
2200 South Rancho Drive, Suite 230
Las Vegas, NV 89102 (702) 486-2830

IV.

ORDER

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the Appeals Officer's April 11, 2024, Decision and Order is hereby AFFRIMED, and the Petition for Judicial Review is hereby DENIED and dismissed with prejudice.

DATED this ___day of _____2026.

Dated this 29th day of May, 2026

DISTRICT COURT JUDGE

249 4A4 27C2 724D
Eric Johnson
District Court Judge

Respectfully submitted:

/s/ Joshua M. Santeramo
Joshua M. Santeramo, Esq., Deputy
Nevada State Bar No. 12086
NEVADA ATTORNEY FOR INJURED WORKERS
2200 S. Rancho Drive, Suite 230
Las Vegas, Nevada 89102
Attorneys for Respondent DAWN EALY

Approved as to form and content by:

/s/ Daniel L. Schwartz
Daniel L. Schwartz, Esq.
Nevada Bar No.: 005125
HOOKS MENG & CLEMENT
2300 W. Sahara Ave., Ste. 1100
Las Vegas, NV 89102
Phone: (702) 766-4672
Facsimile: (702) 919-4672
Attorney for Petitioners VENETIAN RESORT & CASINO, and SIERRA NEVADA ADMINISTRATORS INC

NEVADA ATTORNEY FOR INJURED WORKERS
1000 East William Street, Suite 208 (775) 684-7555
Carson City, NV 89701
2200 South Rancho Drive, Suite 230 (702) 486-2830
Las Vegas, NV 89102

Nelida Nevarez

From: Daniel Schwartz <dschwartz@hmc.law>
Sent: Thursday, May 7, 2026 9:38 AM
To: Nelida Nevarez; Nancy Alarcon
Cc: Joshua M. Santeramo
Subject: RE: VENETIAN RESORT vs DAWN EALY, District Court:A-24-892524-J

TimeMattersID: M2407B45E50C5526
TM Contact: EALY, DAWN
TM Contact No: 20Y7735
TM Matter No: 24L43507
TM Matter Reference: EALY, DAWN:A-24-892524-J A----------Acceptance

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Daniel L. Schwartz, Esq
Certified as a Specialist of Worker's Compensation Law in the State of Nevada

HOOKS MENG & CLEMENT, PLLC.
Office: 775.473.6593 | Fax: 702.919.4672
2300 W. Sahara Ave., Ste 1100, Las Vegas, NV 89102

From: Nelida Nevarez <nnevarez@naiw.nv.gov>
Sent: Thursday, May 7, 2026 9:37 AM
To: Daniel Schwartz <dschwartz@hmc.law>; Nancy Alarcon <nalarcon@hmc.law>
Cc: Joshua M. Santeramo <jsanteramo@naiw.nv.gov>
Subject: VENETIAN RESORT vs DAWN EALY, District Court:A-24-892524-J

Good morning Mr. Schwartz,

Attached please find the proposed Order Denying Petition for Judicial Review. Please review and advise if you have any proposed changes before May 8th. If approved, please sign it and return it to our office.
OR
Please advise If we have your authorization to use your electronic signature in the Order.

Thank you and have a good day.

Neli Nevarez
Legal Secretary II
Nevada Attorney for Injured Workers
Tel (702) 486-2830
Fax (702) 486-2844
nnevarez@naiw.nv.gov

CSERV

DISTRICT COURT
CLARK COUNTY, NEVADA

Venetian Resort & Casino, Petitioner(s) vs. Dawn Ealy, Respondent(s)	CASE NO: A-24-892524-J DEPT. NO. Department 20

AUTOMATED CERTIFICATE OF SERVICE

This automated certificate of service was generated by the Eighth Judicial District Court. The foregoing Order was served via the court's electronic eFile system to all recipients registered for e-Service on the above entitled case as listed below:

Service Date: 5/29/2026

Nelida Nevarez	nnevarez@naiw.nv.gov
Joshua Santeramo	jsanteramo@naiw.nv.gov
Christina Marazzo	cmarazzo@hmc.law
Nancy Alarcon	nalarcon@hmc.law
Daniel Schwartz	dschwartz@hmc.law
Nancy Alarcon	nalarcon@hmc.law
Nancy Sherwood	nsherwood@naiw.nv.gov
Mary Russell	mrussell@naiw.nv.gov
Maria Atkinson	matkinson@naiw.nv.gov
Erick Ruiz	eruiz@hmc.law

Electronically Filed
6/1/2026 3:24 PM
Steven D. Grierson
CLERK OF THE COURT

NEOJ
Joshua M. Santeramo, Esq.
Nevada State Bar No. 12086
Nevada Attorney for Injured Workers
2200 S. Rancho Dr., Ste. 230
Las Vegas, NV 89102
Telephone: (702) 486-2830
Facsimile: (702) 486-2844
Email: jsanteramo@naiw.nv.gov
Attorney for Respondent DAWN EALY

DISTRICT COURT

CLARK COUNTY, NEVADA

VENETIAN RESORT & CASINO, and SIERRA NEVADA ADMINISTRATORS INC. Petitioners, v. DAWN EALY; and THE DEPARTMENT OF ADMINISTRATION, HEARINGS DIVISION, APPEALS OFFICE, an Agency of the State of Nevada, Respondents.	CASE NO: A-24-892524-J DEPT NO: 20

NOTICE OF ENTRY OF ORDER
DENYING PETITION FOR JUDICIAL REVIEW

PLEASE TAKE NOTICE that an Order Denying Petition for Judicial Review was entered on May 29, 2026. A copy of said Order is attached hereto as Exhibit A.

Dated this 1 day of June, 2026.

Joshua M. Santeramo, Esq., Deputy
Nevada State Bar No. 12086
NEVADA ATTORNEY FOR INJURED WORKERS
2200 S. Rancho Drive, Suite 230
Las Vegas, Nevada 89102
Attorney for Respondent DAWN EALY

NEVADA ATTORNEY FOR INJURED WORKERS
1000 East William Street, Suite 208
Carson City, NV 89701 (775) 684-7555
2200 South Rancho Drive, Suite 230
Las Vegas, NV 89102 (702) 486-2830

Case Number: A-24-892524-J

NEVADA ATTORNEY FOR INJURED WORKERS
1000 East William Street, Suite 208
Carson City, NV 89701 (775) 684-7555
2200 South Rancho Drive, Suite 230
Las Vegas, NV 89102 (702) 486-2830

EXHIBIT A

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05/29/2026 4:00 PM
CLERK OF THE COURT

ORDG
Joshua M. Santeramo, Esq., Deputy
Nevada State Bar No. 12086
NEVADA ATTORNEY FOR INJURED WORKERS
2200 South Rancho Drive, Suite 230
Las Vegas, Nevada 89102
Telephone: (702) 486-2830
Facsimile: (702) 486-2844
Email: jsanteramo@naiw.nv.gov
Attorney for Respondent DAWN EALY

DISTRICT COURT

CLARK COUNTY, NEVADA

VENETIAN RESORT & CASINO, and SIERRA NEVADA ADMINISTRATORS INC. Petitioners, v. DAWN EALY; and THE DEPARTMENT OF ADMINISTRATION, HEARINGS DIVISION, APPEALS OFFICE, an Agency of the State of Nevada, Respondents.	CASE NO: A-24-892524-J DEPT NO: 20

ORDER DENYING PETITION FOR JUDICIAL REVIEW

The Petitioners, VENETIAN RESORT & CASINO ("Venetian" or "Employer") and SIERRA NEVADA ADMINISTRATORS INC. ("Third-Party Administrator" or "TPA"), filed a Petition for Judicial Review of the Appeals Officer's Decision and Order, dated April 11, 2024, reversing the Hearing Officer's November 13, 2020, decision and order affirming the TPA's August 25, 2020, claim denial determination.

This matter arises from Respondent's, DAWN EALY ("Ms. Ealy"), alleged July 28, 2020, industrial injury while working as a housekeeper. The claim was denied by the TPA on August 25, 2020, under Claim No. 200380000197. The denial determination was timely appealed and proceeded to hearing before the Hearing Officer, who affirmed the TPA's claim denial on November 13, 2020. Ms. Ealy then timely appealed the Hearing Officer's decision and order, generating Appeal No. 2106777-GK on November 19, 2020.

NEVADA ATTORNEY FOR INJURED WORKERS
1000 East William Street, Suite 208
Carson City, NV 89701 (775) 684-7555
2200 South Rancho Drive, Suite 230
Las Vegas, NV 89102 (702) 486-2830

The matter proceeded to hearing before the Appeals Officer on February 22, 2024, and the claim denial determination was reversed and remanded to the TPA to accept the claim for the right knee and left ankle on April 11, 2024.

On May 2, 2024, Petitioners filed a Petition for Judicial Review of the Appeals Officer's Decision and Order. Petitioners filed an Opening Brief on July 1, 2024, raising the issue of whether the Appeals Officer's reversal of claim denial was based upon an error of law and/or upon a lack of substantial evidence. Specifically, Petitioners challenged whether Ms. Ealy provided timely written notice, and whether she had proven an injury by accident arising out of and in the scope of employment. Ms. Ealy filed an Answering Brief on March 5, 2026. Petitioners filed a Reply Brief on April 6, 2026. The matter was set for a hearing on April 29, 2026.

Petitioners' Petition for Judicial Review was duly reviewed and considered for decision and the Court, having reviewed the parties' briefs, the Record of Appeal, and arguments of counsel; and finding good cause therefore, the Court finds and decides:

I.

STANDARD OF REVIEW

The parameters of judicial review are established by statute. Judicial review of a final decision of an agency must be conducted by the court without a jury and is confined to the record. *See* NRS 233B.135(1). The final decision of the agency is presumed to be reasonable and lawful unless reversed or set aside in whole or in part by the reviewing court. *See* NRS 233B.135(2). The burden of proof rests with the party challenging the decision to demonstrate that the agency's final determination is invalid under one or more grounds set forth in subsection 3 or NRS 233B.135.

A final administrative decision is evaluated for clear error or an arbitrary and capricious abuse of discretion. Riverboat Hotel Casino v. Harold's Club, 113 Nev. 1025, 1029, 944 P.2d 819, 822 (1997); NRS 233B.135(3)(e)-(f). An agency's fact-based conclusions of law "are entitled to deference, and will not be disturbed if they are supported by substantial evidence." Jones v. Rosner, 102 Nev. 215, 217, 719 P.2d 805, 806 (1986). "Substantial evidence exists if a reasonable person could find the evidence adequate to support the agency's conclusion." L. Offs. of Barry Levinson, P.C. v. Milko, 124 Nev. 355, 362, 184 P.3d 378, 384 (2008). While fact-based conclusions of law

NEVADA ATTORNEY FOR INJURED WORKERS
1000 East William Street, Suite 208
Carson City, NV 89701 (775) 684-7555
2200 South Rancho Drive, Suite 230
Las Vegas, NV 89102 (702) 486-2830

are entitled to deference when supported by substantial evidence, purely legal questions are reviewed de novo. DeMaranville v. Empl'rs Ins. Co. of Nev., 135 Nev. 259, 263 (2019).

II.

FINDINGS OF FACT

Here, the Appeals Officer found that Ms. Ealy credibly testified that while cleaning a suite on July 28, 2020, her foot caught on the bed bench, and it caused her to twist her knee. ROA 4. The Appeals Officer also found that during Ms. Ealy's shift on July 28, 2020, she informed her supervisor of the accident and went home early. ROA 8. Further, the Appeals Officer found that Ms. Ealy, after seeing her doctor on July 31, 2020, informed Human Resources that she had a work-related injury, at which point she was referred to Concentra to complete a Form C-4. ROA 8. These findings were supported by Ms. Ealy's testimony and evidence from her phone call records to a number associated with the Human Resources Department. ROA 19.

Based upon this evidence, the Appeals Officer found that Petitioners had actual notice of the incident, thereby excusing Respondent's late written notice that extended beyond the 7-day statutory timeframe. ROA 8. The Appeals Officer also found that untimely notice was excused by mistake or ignorance of law or fact as Respondent initially believed her knee symptoms were attributable to arthritis before later learning from her physicians that the injury was work-related meniscus tear. ROA at 8.

Moreover, the Appeals Officer also found that Ms. Ealy sustained an injury by accident while in the course and scope of her job functions. The record reflects that Ms. Ealy's description of how she sustained her injury made clear that she was in the course and scope of her job duties as a housekeeper at the time of the accident. ROA 4. Further, the record shows that Ms. Ealy presented to Southwest Medical on July 31, 2020, where Dr. Madhavan characterized her knee pain as "an acute on chronic problem," which worsened after cleaning a room three days prior. ROA 140. A right knee MRI interpreted on August 6, 2020, confirmed that Ms. Ealy had a torn medial meniscus. ROA 148. Ms. Ealy was ultimately referred to Concentra, where a Form C-4

NEVADA ATTORNEY FOR INJURED WORKERS
1000 East William Street, Suite 208
Carson City, NV 89701 (775) 684-7555
2200 South Rancho Drive, Suite 230
Las Vegas, NV 89102 (702) 486-2830

was completed finding medical causation, and she submitted a written statement attached to the form explaining her injury. ROA 125-26.

Lastly, the Appeals Officer's finding that Ms. Ealy's ankle injury was a compensable consequence of the original claim is also supported by substantial evidence. This finding was based upon medical records indicating that Ms. Ealy's left ankle injury resulted from a fall caused by instability in her right knee from the original industrial injury. ROA 205. Specifically, Ms. Ealy's August 6, 2020, visit with Southwest Medical, reported that she had fallen as a result of her right knee instability. Id.

Any findings of fact more appropriately considered to be a conclusion of law, and vice versa, shall be so deemed.

III.

CONCLUSIONS OF LAW

After considering the pleadings and argument set forth by counsel, the Court hereby DENIES the Petition for Judicial Review.

1. Pursuant to NRS 233B.135(2), a "final decision of the agency shall be deemed reasonable and lawful until reversed or set aside in whole or in part by the court. The burden of proof is on the party attacking or resisting the decision to show that the final decision is invalid pursuant to subsection 3." A reviewing court may not substitute its judgment for that of an agency on questions of fact but may review questions of law *de novo*. *See* SIIS v. Engel, 114 Nev. 1372, 1374, 971 P.2d 793, 795 (1998).

2. The Court finds that the Appeals Officer's decision is a fact-based conclusion of law. As such, the Court will not disturb the Appeals Officer's decision if it is supported by substantial evidence. The Appeals Officer's decision that notice was timely provided and/or excused is supported by substantial evidence.

3. NRS 616C.015(1) requires an employee to provide written notice of a workplace injury within 7 days after the accident. However, the high Court has expressly held that "if an employer receives actual notice of an injury, this may excuse a failure to file a timely notice of injury." Barrick Goldstrike Mine v. Peterson, 116 Nev. 541, 546 n. 3, 2 P.3d 850, 853 n. 3

NEVADA ATTORNEY FOR INJURED WORKERS
1000 East William Street, Suite 208
Carson City, NV 89701 (775) 684-7555
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4. The Court finds that the Appeals Officer's decision that the Employer had actual notice of the incident is supported by substantial evidence and is therefore afforded deference. Ms. Ealy presented credible testimony before the Appeals Officer that she informed her supervisor of the incident on the date that it occurred, and she also provided documentary evidence supporting her subsequent phone calls with Human Resources. ROA 19.

5. The Court is unpersuaded by Petitioners' argument that Ms. Ealy's prior workers' compensation claim demonstrates knowledge of the notice requirement, particularly in light of the record reflecting her initial misunderstanding of the nature of her injury. The Appeals Officer properly weighed such evidence and testimony in rendering his decision that the Employer had actual notice of this incident, and that alternatively, Ms. Ealy's untimely written notice was further excused by a mistake or ignorance of law or fact pursuant to NRS 616C.025, thereby satisfying the requirements set forth in NRS 616C.015(1). This Court may not reweigh evidence or reassess witness credibility on judicial review, and therefore affirms the Appeals Officer's decision because it is based on substantial evidence and neither arbitrary or capricious.

6. The Court likewise rejects Petitioners' argument that NRS 616C.025 vests exclusive authority in the insurer to excuse untimely notice. While the statute places initial discretion with the insurer to excuse untimely notice, this does not inherently divest the Appeals Officer of his authority in evaluating whether a claim was improperly denied on the basis of notice. *See* e.g., Valley Health Sys., LLC v. Soriano, 577 P.3d 194 at *4 (Nev. App. 2025)(unpublished disposition)(implying that an appeals officer has the authority to determine whether an employee s untimely notice was excused).

7. Further, the Appeals Officer's decision that Ms. Ealy had proven an accident by injury arising out of and in the scope of employment is supported by substantial evidence, thereby satisfying NRS 616C.150.

NEVADA ATTORNEY FOR INJURED WORKERS
1000 East William Street, Suite 208
Carson City, NV 89701 (775) 684-7555
2200 South Rancho Drive, Suite 230
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8. NRS 616C.150 requires an injured employee to prove by a preponderance of the evidence that the employee's injury arose out of and in the course of employment. NRS 616B.612 further provides that "injuries by accident sustained by an employee arising out of and in the course of the employment" are compensable by the employer. NRS 616A.265 defines "injury" as " sudden and tangible happening of a traumatic nature, producing an immediate or prompt result," and NRS 616A.030 defines "accident" as "an unexpected or unforeseen event happening suddenly and violently, with or without human fault, and producing at the time objective symptoms of an injury."

9. The record reflects that Ms. Ealy presented to Southwest Medical on July 31, 2020, where Dr. Madhavan characterized her knee pain as "an acute on chronic problem," which worsened after cleaning a room three days prior. ROA 140. A right knee MRI interpreted on August 6, 2020, reflects that she had a torn medial meniscus. ROA 148. Lastly, the Form C-4 was completed finding medical causation. ROA 125-26.

10. The Appeals Officer relied on this evidence to find that Ms. Ealy had proven an accident by injury arising out of and in the scope of employment, and the Court holds that this finding is supported by the record and entitled to deference. To the extent that Petitioners attack the credibility of Ms. Ealy's testimony or the contents of the medical records, the Court finds these arguments, which were presumably raised before the Appeals Officer, improper on judicial review.

11. Moreover, the Appeals Officer's decision that Ms. Ealy's subsequent ankle injury was a compensable consequence of the original claim is also supported by substantial evidence.

12. Generally, injuries that are "a direct and natural result" of compensable injuries are, themselves, compensable. *See* Roberts v. State Indus. Ins. Sys., 114 Nev. 364, 369, 956 P.2d 790, 793 (1998).

13. Here, the Court finds that the Appeals Officer's decision is supported by substantial evidence as the record reflects that Ms. Ealy's left ankle injury was secondary to her right knee instability. This is primarily evidenced by Ms. Ealy's August 6, 2020, visit with Southwest Medical, where it was reported that she had a fall as a result of her right knee instability. ROA 205. As such, the Court holds that such a finding is supported by substantial evidence and the Appeals Officer's decision is not arbitrary or capricious.

NEVADA ATTORNEY FOR INJURED WORKERS
1000 East William Street, Suite 208
Carson City, NV 89701 (775) 684-7555
2200 South Rancho Drive, Suite 230
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IV.

ORDER

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the Appeals Officer's April 11, 2024, Decision and Order is hereby AFFRIMED, and the Petition for Judicial Review is hereby DENIED and dismissed with prejudice.

DATED this ___day of _____2026.

Dated this 29th day of May, 2026

Eric Johnson
DISTRICT COURT JUDGE

249 4A4 27C2 724D
Eric Johnson
District Court Judge

Respectfully submitted:

/s/ Joshua M. Santeramo
Joshua M. Santeramo, Esq., Deputy
Nevada State Bar No. 12086
NEVADA ATTORNEY FOR INJURED WORKERS
2200 S. Rancho Drive, Suite 230
Las Vegas, Nevada 89102
Attorneys for Respondent DAWN EALY

Approved as to form and content by:

/s/ Daniel L. Schwartz
Daniel L. Schwartz, Esq.
Nevada Bar No.: 005125
HOOKS MENG & CLEMENT
2300 W. Sahara Ave., Ste. 1100
Las Vegas, NV 89102
Phone: (702) 766-4672
Facsimile: (702) 919-4672
Attorney for Petitioners VENETIAN RESORT & CASINO, and SIERRA NEVADA ADMINISTRATORS INC

NEVADA ATTORNEY FOR INJURED WORKERS
1000 East William Street, Suite 208
Carson City, NV 89701 (775) 684-7555
2200 South Rancho Drive, Suite 230
Las Vegas, NV 89102 (702) 486-2830

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TimeMattersID: M2407B45E50C5526
TM Contact: EALY, DAWN
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TM Matter No: 24L43507
TM Matter Reference: EALY, DAWN:A-24-892524-J A----------Acceptance

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Daniel L. Schwartz, Esq
Certified as a Specialist of Worker's Compensation Law in the State of Nevada

HOOKS MENG & CLEMENT, PLLC.
Office: 775.473.6593 | Fax: 702.919.4672
2300 W. Sahara Ave., Ste 1100, Las Vegas, NV 89102

From: Nelida Nevarez <nnevarez@naiw.nv.gov>
Sent: Thursday, May 7, 2026 9:37 AM
To: Daniel Schwartz <dschwartz@hmc.law>; Nancy Alarcon <nalarcon@hmc.law>
Cc: Joshua M. Santeramo <jsanteramo@naiw.nv.gov>
Subject: VENETIAN RESORT vs DAWN EALY, District Court:A-24-892524-J

Good morning Mr. Schwartz,

Attached please find the proposed Order Denying Petition for Judicial Review. Please review and advise if you have any proposed changes before May 8th. If approved, please sign it and return it to our office.
OR
Please advise If we have your authorization to use your electronic signature in the Order.

Thank you and have a good day.

Neli Nevarez
Legal Secretary II
Nevada Attorney for Injured Workers
Tel (702) 486-2830
Fax (702) 486-2844
nnevarez@naiw.nv.gov

CSERV

DISTRICT COURT
CLARK COUNTY, NEVADA

Venetian Resort & Casino, Petitioner(s) vs. Dawn Ealy, Respondent(s)	CASE NO: A-24-892524-J DEPT. NO. Department 20

AUTOMATED CERTIFICATE OF SERVICE

This automated certificate of service was generated by the Eighth Judicial District Court. The foregoing Order was served via the court's electronic eFile system to all recipients registered for e-Service on the above entitled case as listed below:

Service Date: 5/29/2026

Nelida Nevarez	nnevarez@naiw.nv.gov
Joshua Santeramo	jsanteramo@naiw.nv.gov
Christina Marazzo	cmarazzo@hmc.law
Nancy Alarcon	nalarcon@hmc.law
Daniel Schwartz	dschwartz@hmc.law
Nancy Alarcon	nalarcon@hmc.law
Nancy Sherwood	nsherwood@naiw.nv.gov
Mary Russell	mrussell@naiw.nv.gov
Maria Atkinson	matkinson@naiw.nv.gov
Erick Ruiz	eruiz@hmc.law

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of the State of Nevada, Nevada Attorney for Injured Workers, and that service of the within and foregoing NOTICE OF ENTRY OF ORDER DENYING PETITION FOR JUDICIAL REVIEW was made this day electronically, through the Odyssey eFileNV and Serve option to:

dschwartz@hmc.law
Daniel L. Schwartz, Esq.

and that on this day I deposited a true and correct copy for mailing at Las Vegas, Nevada, to the following:

Daniel L. Schwartz, Esq.
Nevada Bar No.: 005125
HOOKS MENG & CLEMENT
2300 W. Sahara Ave., Ste. 1100
Las Vegas, NV 89102

DATED: 4-1-26

SIGNED: _____

NEVADA ATTORNEY FOR INJURED WORKERS
1000 East William Street, Suite 208
Carson City, NV 89701 (775) 684-7555
2200 South Rancho Drive, Suite 230
Las Vegas, NV 89102 (702) 486-2830

DISTRICT COURT
CLARK COUNTY, NEVADA

Worker's Compensation Appeal	**COURT MINUTES**	**June 05, 2024**

A-24-892524-J Venetian Resort & Casino, Petitioner(s)
vs.
Dawn Ealy, Respondent(s)

June 05, 2024 **4:00 PM** **Minute Order**

HEARD BY: Johnson, Eric **COURTROOM:** Chambers

COURT CLERK: Kathryn Hansen-McDowell

RECORDER:

REPORTER:

PARTIES PRESENT:

JOURNAL ENTRIES

- Background: The Respondent in this case was employed by the Venetian Resort and Hotel, as cleaning personnel. On July 28, 2020 Respondent allegedly injured her knee when her foot was caught in a bed bench while she was cleaning a room at the Resort. The Respondent filed a C-4 notifying her employer of her injuries on August 14, 2020. The C-4 form notifying her employer of her injury did not specify the date that she told her employer of the incident.
On August 5, 2020 the Insurer notified Respondent that her claim was being denied. On November 13, 2020 the Administrative Hearing officer affirmed the Insurer's claim denial. On April 11, 2024 the Appeals Officer reversed the Decision and ruled that the Respondent had proven a compensable workers compensation claim. The Petitioner filed their Petition for Judicial Review on May 2, 2024. The Respondent filed a Response to the Petition for Judicial Review on May 7, 2024.

On May 2, 2024 the Petitioner also filed a Motion for Stay Pending Appeal. The Respondent filed an Opposition on May 9, 2024 and the Petitioner filed a Reply on May 20, 2024. The Motion was set for a hearing on June 12, 2024. The Petitioner argues that they will be irreparably harmed if the Motion for Stay is not granted.

I. Legal Standard

Pursuant to Kress v. Corey, a Stay should be granted when:

[I]t appears that without it the objects of the appeal or writ of error may be defeated, or that it is reasonably necessary to protect appellant or plaintiff in error from irreparable or serious injury in the case of reversal, and it does not appear that appellee or defendant in error will sustain irreparable or disproportionate injury, in case of affirmance.

Kress v. Corey, 65 Nev. 1, 17, 189 P.2d 352, 360 (1948). However, "a stay will not be granted unless it appears to be necessary to prevent irreparable injury or a miscarriage of justice." Id.

II. Petitioner's Petition for Judicial Review would be Defeated in the absence of the Stay.

As an initial matter, an insurer cannot recoup the funds that are later found to be unwarranted on appeal. NRS 616C.138 was recently modified to allow insurers to recoup funds paid during the pendency of an appeal, but this is only permitted when the worker had health or casualty insurance, and such insurance entities were entitled to the recoupment as well. Nev. Rev. Stat. 616C.138. Here, there is no evidence that the Respondent has health or casualty insurance. Further, the Nevada Supreme Court has held that it is proper for an insurer to move for a Stay Pending Appeal when the insurer is aggrieved by an administrative decision, and when the Insurer can demonstrate irreparable injury during the pendency of appeal if the Stay is not granted. Dep't of Indus. Relations v. Circus Circus Enterprises, Inc., 101 Nev. 405, 705 P.2d 645 (1985); White Pine Power Dist. No. 9 v. Pub. Serv. Comm'n, 76 Nev. 263, 352 P.2d 256 (1960).

III. Irreparable Injury

Irreparable Injury to Petitioner: First, Petitioner argues that they will be irreparably injured if the Stay is not granted, because they will not be able to recoup from the Respondent if the Petitioner's Petition for Judicial Review is granted. On the other hand, if the Motion for Stay is granted and the Petition for Judicial Review is denied, the Petitioner will issue all benefits that Respondent is entitled to. Monetary losses are irreparable in this case. Here, if the Stay is not granted, the Petitioner would be required to pay Respondent funds, and could not recoup them in the event that the funds were found to be disbursed in error. Petitioners have a good faith belief that the Respondent is not entitled to the funds and Petitioners would be irreparably harmed if the Stay is not granted.

The Respondent will not be harmed if the Stay is granted. The Respondent has no known pending medical procedures that could be prevented. Respondent is merely requesting a PPD doctor's appointment and she has not demonstrated how she would be irreparably harmed if she cannot have that doctor's appointment. Further, the Respondent will receive all benefits due to her, plus interest, if she is successful on appeal.

The Court finds that the Petitioner's Petition will be moot if the Court does not grant the Stay, and in that way, the Petitioner will be irreparably harmed if the Court does not grant the Stay. Further, the

Respondent will not be irreparably harmed if the Court grants the Stay. The Court does not make any ruling on the Petition for Judicial Review at this time. However, the Court grants the Petitioner's Motion for Stay Pending Appeal.

The Court hereby VACATES the June 12, 2024 hearing. Counsel for Petitioner is directed to prepare a proposed order and to circulate it to opposing counsel for approval as to form and content before submitting it to chambers for signature. Counsel is directed to email a word and pdf copy of the proposed order to dc20inbox@clarkcountycourts.us.

CLERK'S NOTE: This Minute Order was electronically served to all registered parties for Odyssey File & Serve. 6.5.24khm

DISTRICT COURT
CLARK COUNTY, NEVADA

Worker's Compensation Appeal	**COURT MINUTES**	**March 18, 2026**

A-24-892524-J Venetian Resort & Casino, Petitioner(s)
vs.
Dawn Ealy, Respondent(s)

March 18, 2026 **8:30 AM** **Status Check**

HEARD BY: Johnson, Eric **COURTROOM:** RJC Courtroom 12A

COURT CLERK: Kathryn Hansen-McDowell

RECORDER: Matthew Morris

REPORTER:

PARTIES PRESENT:

Marazzo, Christina, ESQ	Attorney
Santeramo, Joshua M., ESQ	Attorney

JOURNAL ENTRIES

- Court noted this was on for a status check and briefing schedule due to a delay as parties were trying to locate the transcript, however, it appears an answering brief was filed. Mr. Saneramo confirmed the transcript was located and an answering brief was filed. Following colloquy regarding scheduling, COURT ORDERED, reply due 04/06/2026 and hearing SET. Colloquy on where the transcript was located.

04/29/2026 11:00 AM HEARING: PETITION FOR JUDICIAL REVIEW.

DISTRICT COURT
CLARK COUNTY, NEVADA

Worker's Compensation Appeal	**COURT MINUTES**	**April 28, 2026**

A-24-892524-J Venetian Resort & Casino, Petitioner(s)
vs.
Dawn Ealy, Respondent(s)

April 28, 2026 **2:20 PM** **Minute Order**

HEARD BY: Johnson, Eric **COURTROOM:** Chambers

COURT CLERK: Kathryn Hansen-McDowell

RECORDER:

REPORTER:

PARTIES PRESENT:

JOURNAL ENTRIES

- On May 2, 2024, Petitioners Venetian Resort & Casino and Sierra Nevada Administrators filed a Petition for Judicial Review of the Appeals Officer's Decision and Order dated April 11, 2024. Petitioners filed an Opening Brief on July 1, 2024. Respondent filed an Answering Brief on March 5, 2026. Petitioners filed a Reply Brief on April 6, 2026. The matter was set for a hearing on April 29, 2026. After considering the pleadings and argument set forth by counsel, the Court hereby DENIES the Petition for Judicial Review.

A final administrative decision is evaluated for clear error or an arbitrary and capricious abuse of discretion. Riverboat Hotel Casino v. Harold's Club, 113 Nev. 1025, 1029, 944 P.2d 819, 822 (1997); NRS 233B.135(3)(e)-(f). An agency's fact-based conclusions of law "are entitled to deference, and will not be disturbed if they are supported by substantial evidence." Jones v. Rosner, 102 Nev. 215, 217, 719 P.2d 805, 806 (1986). "Substantial evidence exists if a reasonable person could find the evidence adequate to support the agency's conclusion." L. Offs. of Barry Levinson, P.C. v. Milko, 124 Nev. 355, 362, 184 P.3d 378, 384 (2008). While fact-based conclusions of law are entitled to deference when supported by substantial evidence, purely legal questions are reviewed de novo. DeMaranville v. Empl'rs Ins. Co. of Nev., 135 Nev. 259, 263 (2019).

The Court finds that the Appeals Officer's decision is a fact-based conclusion of law. As such, the Court will not disturb the Appeals Officer's decision if it is supported by substantial evidence.

The Appeals Officer's decision that notice was timely provided and/or excused is supported by substantial evidence.

NRS 616C.015(1) requires an employee to provide written notice of a workplace injury within 7 days after the accident. However, the high Court has expressly held that "if an employer receives actual notice of an injury, this may excuse a failure to file a timely notice of injury." Barrick Goldstrike Mine v. Peterson, 116 Nev. 541, 546 n. 3, 2 P.3d 850, 853 n. 3 (2000)(citing Brocas v. Mirage Hotel & Casino, 109 Nev. 579, 584-85, 854 P.2d 862, 866-67 (1993); Industrial Commission v. Adair, 67 Nev. 259, 271-72, 217 P.2d 348, 354 (1950)). NRS 616C.025 further provides that failure to file a notice of injury may also be excused by the employee's mistake or ignorance of fact or law.

Here, the Appeals Officer found that during Respondent's shift on July 28, 2020, she informed her supervisor of the accident and went home early. ROA 8. The Appeals Officer also found that Respondent, after seeing her doctor on July 31, 2020, informed Human Resources that she had a work-related injury, at which point she was referred to Concentra to complete a Form C-4. ROA 8. These findings were based on Respondent's testimony, alongside evidence of Respondent's phone call records to a number associated with the Human Resources department. ROA 19. Based on this evidence, the Appeals Officer found that Petitioners had actual notice of the incident, thereby excusing Respondent's late written notice that extended beyond the 7-day statutory timeframe. ROA 8. The Appeals Officer also found that untimely notice was excused by mistake or ignorance of law or fact as Respondent initially believed her symptoms were attributable to arthritis before later learning from her physicians that the injury was work-related. ROA at 8.

The Court finds that the Appeals Officer's decision that Petitioners had actual notice of the incident is supported by substantial evidence and is therefore afforded deference. Respondent presented credible testimony before the Appeals Officer that she informed her supervisor of the incident on the date that it occurred, and she also provided documentary evidence supporting her subsequent phone calls with Human Resources. The Court is unpersuaded by Petitioners' argument that Respondent's prior worker s compensation claim demonstrates knowledge of the notice requirement, particularly in light of the record reflecting Respondent's initial misunderstanding of the nature of her injury. The Appeals Officer properly weighed such evidence and testimony in rendering his decision that Petitioners had actual notice of this incident, or Respondent's untimely notice was excused by mistake or ignorance of law or fact, thereby satisfying the requirements set forth in NRS 616C.015(1). This Court may not reweigh evidence or reassess witness credibility on judicial review and therefore affirms the Appeals Officer's decision as based on substantial evidence and not arbitrary or capricious.

The Court likewise rejects Petitioners' argument that NRS 616C.025 vests exclusive authority in the insurer to excuse untimely notice. While the statute places initial discretion with the insurer to excuse untimely notice, this does not inherently divest the Appeals Officer of his authority in evaluating

whether a claim was improperly denied on the basis of notice. See e.g., Valley Health Sys., LLC v. Soriano, 577 P.3d 194 at *4 (Nev. App. 2025)(unpublished disposition)(implying that an appeals officer has the authority to determine whether an employee s untimely notice was excused).

The Appeals Officer's decision that Respondent had proven an accident by injury arising out of and in the scope of employment is supported by substantial evidence.

NRS 616C.150 requires an injured employee to prove by a preponderance of the evidence that the employee's injury arose out of and in the course of employment. NRS 616B.612 further provides that "injuries by accident sustained by an employee arising out of and in the course of the employment" are compensable by the employer. NRS 616A.265 defines "injury" as " sudden and tangible happening of a traumatic nature, producing an immediate or prompt result," and NRS 616A.030 defines "accident" as "an unexpected or unforeseen event happening suddenly and violently, with or without human fault, and producing at the time objective symptoms of an injury."

The Court finds that the Appeals Officer's decision that Respondent had proven an accident by injury while performing her job functions, thereby satisfying NRS 616C.150, is supported by substantial evidence. The record reflects that Respondent presented to Southwest Medical on July 31, 2020, where Dr. Madhavan characterized her knee pain as "an acute on chronic problem," which worsened after cleaning a room 3 days prior. ROA 140. A right knee MRI interpreted on August 6, 2020 reflects that Respondent had a torn medial meniscus. ROA 148. Respondent was ultimately referred to Concentra, where a Form C-4 was completed, and Respondent submitted a written statement attached to the form explaining her injury. ROA 125-26.

The Appeals Officer relied on this evidence to find that Respondent had proven an accident by injury arising out of and in the scope of employment, and the Court holds that this finding is supported by the record and entitled to deference. To the extent that Petitioners attack the credibility of Respondent's testimony or the contents of the medical records, the Court finds these arguments, which were presumably raised before the Appeals Officer, improper on judicial review.

The Appeals Officer's decision that Respondent's ankle injury was a compensable consequence of the original claim is supported by substantial evidence.

Generally, injuries that are "a direct and natural result" of compensable injuries are, themselves, compensable. See Roberts v. State Indus. Ins. Sys., 114 Nev. 364, 369, 956 P.2d 790, 793 (1998). Here, the Appeals Officer held that Respondent's left ankle injury was a compensable consequence based on medical records indicating that Respondent's left ankle injury resulted from a fall caused by instability in her right knee. ROA 205.

The Court finds that the Appeals Officer's decision is supported by substantial evidence as the record reflects that Respondent's left ankle injury was secondary to her right knee instability. This is primarily evidenced by, for example, Respondent's August 6, 2020 visit with Southwest Medical, where it was reported that Respondent had a fall as a result of her right knee instability. ROA 205. As

such, the Court holds that such a finding is supported by substantial evidence and the Appeals Officer's decision is not arbitrary or capricious.

For the above reasons, the Court DENIES the Petition for Judicial Review. The April 29, 2026 hearing is hereby VACATED. Counsel for Respondent is directed to prepare a proposed order including detailed findings of fact and conclusions of law, which is to be approved by opposing counsel as to form and content prior to submitting the order to chambers. Counsel is directed to email a word and pdf copy of the proposed order to dc20inbox@clarkcountycourts.us.

CLERK'S NOTE: This Minute Order was electronically served to all registered parties for Odyssey File & Serve. 4.28.2026khm

Certification of Copy

State of Nevada
County of Clark } **SS:**

I, Steven D. Grierson, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, does hereby certify that the foregoing is a true, full and correct copy of the hereinafter stated original document(s):

NOTICE OF APPEAL; CASE APPEAL STATEMENT; DISTRICT COURT DOCKET ENTRIES; CIVIL COVER SHEET; ORDER DENYING PETITION FOR JUDICIAL REVIEW; NOTICE OF ENTRY OF ORDER DENYING PETITION FOR JUDICIAL REVIEW; DISTRICT COURT MINUTES

VENETIAN RESORT & CASINO; SIERRA NEVADA ADMINISTRATORS, INC., Petitioner(s), vs. DAWN EARLY; DEPARTMENT OF ADMINISTRATION; THE DEPARTMENT OF ADMINISTRATIONS HEARING DIVISION, APPEALS OFFICE, an Agency of the State of Nevada, Respondent(s),	Case No: A-24-892524-J Dept No: XX

now on file and of record in this office.

IN WITNESS THEREOF, I have hereunto Set my hand and Affixed the seal of the Court at my office, Las Vegas, Nevada This 30 day of June 2026.

Steven D. Grierson, Clerk of the Court

/s/ Cierra Borum
Cierra Borum, Deputy Clerk